File Microcopies of Records in the National Archives: No. 133

Roll 75

# DESPATCHES FROM UNITED STATES MINISTERS TO JAPAN

Volume 75

February 5, 1901 - December 31, 1901

THE NATIONAL ARCHIVES

Washington: 1949

# INTRODUCTION

The 83 volumes reproduced in this microcopy contain communications, with related enclosures, that were received by the Secretary of State from diplomatic representatives of the United States accredited to Japan in the period 1855-1906. The series, which may be referred to as "Diplomatic Despatches, Japan," is part of a larger body of records in the National Archives designated as Record Group 59, General Records of the Department of State. The documents have been reproduced in the order, for the most part chronological, in which they appear in the volumes. Their contents are registered on Roll 1.

The volumes, each of which has been microcopied on a separate roll (except volumes 81 and 81 Annex which have been placed on one roll), are distributed as follows:

| Roll | Volume | Inclusive Dates |
|---|---|---|
| 1 | 1 | March 17, 1855 - June 29, 1858 |
| 2 | 2 | July 1, 1858 - December 31, 1859 |
| 3 | 3 | January 2, 1860 - May 6, 1862 |
| 4 | 4 | February 7, 1862 - December 31, 1863 |
| 5 | 5 | January 4, 1864 - December 31, 1864 |
| 6 | 6 | January 2, 1865 - December 31, 1865 |
| 7 | 7 | January 3, 1866 - December 31, 1866 |
| 8 | 8 | January 2, 1867 - December 31, 1867 |
| 9 | 9 | January 2, 1868 - April 8, 1868 |
| 10 | 10 | April 10, 1868 - August 26, 1868 |
| 11 | 11 | September 1, 1868 - April 1, 1869 |
| 12 | 12 | April 1, 1869 - March 10, 1870 |
| 13 | 13 | June 25, 1869 - April 21, 1870 |
| 14 | 14 | May 2, 1870 - September 20, 1870 |
| 15 | 15 | September 20, 1870 |
| 16 | 16 | September 22, 1870 - December 31, 1870 |
| 17 | 17 | January 1, 1871 - April 26, 1871 |
| 18 | 18 | April 28, 1871 - August 21, 1871 |
| 19 | 19 | August 27, 1871 - December 22, 1871 |
| 20 | 20 | December 23, 1871 - September 27, 1872 |
| 21 | 21 | September 29, 1872 - January 12, 1873 |
| 22 | 22 | January 18, 1873 - April 12, 1873 |
| 23 | 23 | April 16, 1873 - May 26, 1873 |
| 24 | 24 | May 27, 1873 - July 5, 1873 |
| 25 | 25 | July 6, 1873 - September 2, 1873 |
| 26 | 26 | September 13, 1873 - December 18, 1873 |

| Roll | Volume | Inclusive Dates |
|---|---|---|
| 27 | 27 | December 19, 1873 - March 20, 1874 |
| 28 | 28 | March 21, 1874 - October 8, 1874 |
| 29 | 29 | October 9, 1874 - March 20, 1875 |
| 30 | 30 | March 23, 1875 - October 5, 1875 |
| 31 | 31 | October 6, 1875 - February 5, 1876 |
| 32 | 32 | February 8, 1876 - August 22, 1876 |
| 33 | 33 | September 4, 1876 - March 6, 1877 |
| 34 | 34 | March 7, 1877 - September 19, 1877 |
| 35 | 35 | September 24, 1877 - December 31, 1877 |
| 36 | 36 | January 4, 1878 - April 17, 1878 |
| 37 | 37 | April 18, 1878 - July 23, 1878 |
| 38 | 38 | July 24, 1878 - December 27, 1878 |
| 39 | 39 | January 4, 1879 - July 23, 1879 |
| 40 | 40 | July 24, 1879 - October 29, 1879 |
| 41 | 41 | November 6, 1879 - March 24, 1880 |
| 42 | 42 | April 9, 1880 - July 26, 1880 |
| 43 | 43 | August 3, 1880 - January 22, 1881 |
| 44 | 44 | February 1, 1881 - June 30, 1881 |
| 45 | 45 | July 4, 1881 - November 23, 1881 |
| 46 | 46 | December 3, 1881 - May 23, 1882 |
| 47 | 47 | May 30, 1882 - November 30, 1882 |
| 48 | 48 | December 4, 1882 - July 31, 1883 |
| 49 | 49 | August 3, 1883 - December 31, 1883 |
| 50 | 50 | January 7, 1884 - June 30, 1884 |
| 51 | 51 | July 1, 1884 - December 29, 1884 |
| 52 | 52 | January 2, 1885 - July 30, 1885 |
| 53 | 53 | August 1, 1885 - December 31, 1885 |
| 54 | 54 | January 6, 1886 - July 9, 1886 |
| 55 | 55 | July 10, 1886 - December 29, 1886 |
| 56 | 56 | January 1, 1887 - May 23, 1887 |
| 57 | 57 | June 1, 1887 - December 31, 1887 |
| 58 | 58 | January 6, 1888 - October 26, 1888 |
| 59 | 59 | November 5, 1888 - July 31, 1889 |
| 60 | 60 | August 1, 1889 - January 31, 1890 |
| 61 | 61 | February 5, 1890 - June 23, 1890 |
| 62 | 62 | July 7, 1890 - December 24, 1890 |
| 63 | 63 | January 8, 1891 - December 28, 1891 |
| 64 | 64 | January 5, 1892 - December 28, 1892 |
| 65 | 65 | January 4, 1893 - August 28, 1893 |
| 66 | 66 | September 2, 1893 - June 30, 1894 |
| 67 | 67 | July 3, 1894 - November 29, 1894 |
| 68 | 68 | December 7, 1894 - July 31, 1895 |
| 69 | 69 | August 9, 1895 - September 22, 1896 |
| 70 | 70 | October 1, 1896 - November 30, 1897 |
| 71 | 71 | December 6, 1897 - August 29, 1898 |
| 72 | 72 | September 3, 1898 - July 29, 1899 |
| 73 | 73 | August 3, 1899 - June 30, 1900 |
| 74 | 74 | July 1, 1900 - January 31, 1901 |
| 75 | 75 | February 5, 1901 - December 31, 1901 |

| Roll | Volume | Inclusive Dates |
|---|---|---|
| 76 | 76 | January 3, 1902 - August 30, 1902 |
| 77 | 77 | September 1, 1902 - November 30, 1903 |
| 78 | 78 | December 1, 1903 - June 30, 1904 |
| 79 | 79 | July 1, 1904 - February 25, 1905 |
| 80 | 80 | March 4, 1905 - August 31, 1905 |
| 81 | 81 | September 5, 1905 - February 28, 1906 |
| | 81 Annex | November 24, 1905 |
| 82 | 82 | March 1, 1906 - August 9, 1906 |

Most of the communications are original despatches, usually accompanied by enclosures. Some of the enclosures are original notes to the American representatives from officials of the Japanese foreign ministry. Other enclosures were written by American consuls in Japan and, occasionally, by private citizens of the United States. A considerable number of enclosures are copies of communications sent by American representatives to Japanese officials. Pamphlets, newspaper clippings, and other printed matter are sometimes enclosed.

Apart from numbered despatches and enclosures, these volumes contain many unnumbered letters, some of which are marked "Private" or "Confidential." Unnumbered or private letters, more informal than despatches, may report official matters requiring secrecy or not fully covered in the despatches, or may convey personal news, acknowledgments of appointment or recall, announcements of arrival or departure, and statements of official expenses. The volumes also contain telegrams and cables, which were not numbered.

The register to these despatches reproduced on Roll 1 of this microcopy consists of selected pages from a number of State Department registers, which, taken as a unit, comprise a register of these despatches from 1855 to 1906. These register volumes, in their entirety, record diplomatic despatches received by the Department of State from American legations throughout the world from 1789 to 1906. For the period beginning in 1870 the communications reproduced in this microcopy are registered, with those from representatives in other countries, in volumes that have been reproduced as the first 10 rolls of File Microcopy 17, State Department Registers of Correspondence.

In Record Group 59, General Records of the Department of State, in the National Archives there are several series of volumes containing additional material on the relations between Japan and the United States. Complementary to the diplomatic despatches are instructions from the Secretary of State to the diplomatic representatives of the United States accredited to Japan, 1855-1906, which have been reproduced on Rolls 104-108 of File Microcopy 77, Diplomatic Instructions of the Department of State. Additional records pertaining to the relations between the United States and Japan during the period covered by the present microcopy include the

communications ("Notes") exchanged between the Secretary of State and the diplomatic representatives of Japan in Washington. Related to these records, though less directly, are despatches to the Department of State from United States consuls at Nagasaki, 1860-1906 (File Microcopy 131), Kanagawa, 1861-1897 (File Microcopy 135), Yokohama, 1897-1906 (File Microcopy 136), and at Osaka, Hiogo, and Kobe, 1868-1906. All these series were discontinued on August 14, 1906, when the Department of State adopted the practice of filing incoming and outgoing correspondence, not of a routine nature, by subject in a single numerical case file. Correspondence on routine matters was placed in a "minor file." In 1910 this system was abandoned and the Department's present decimal system of subject classification adopted. The numerical case file, the "minor file," and the decimal file are in the National Archives through 1929.

Also in the National Archives, in Record Group 84, Records of the Foreign Service Posts of the Department of State, there are records kept by American diplomatic and consular posts. Although these post records duplicate to some extent the records that were kept in Washington, they supplement them importantly by providing detailed information about many transactions that were only summarized or were not reported on at all in the documents that were transmitted to Washington. File microcopies of these post records have not been made.

In this microcopy the ends of lines next to the binding have not always been reproduced by the camera; a reading of any lines thus affected will be provided upon request by the National Archives.

## ROLL CONTENTS

The volume microcopied on this roll has the following backstrip title: "75 / Japan / Alfred E. Buck / February 5, 1901 / December 31, 1901 / 539 - 608 / Department / of State." It contains communications, with related enclosures, to the Secretary of State from Huntington Wilson, Chargé d'Affaires ad interim; and from Alfred E. Buck, Envoy Extraordinary and Minister Plenipotentiary accredited to the Government of Japan, April 13, 1897.

Vol. B29 50 D.167408 W.L.S.

UNITED STATES LEGATION,
TOKIO.

INDEX BUREAU
RECD.
MAR 2 '01
DEPT. OF STATE.

February 5, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

File
BUREAU OF APPOINTMENTS.
MAR 2 - 1901
Department of State.

Sir:-

I have the honor to acknowledge your communication of December 24, 1900. Enclosing my commission as Second Secretary of the United States Legation to Japan, and also forms of oath, which I have duly executed before Mr Wilson, First Secretary of the United States Legation to Japan, and enclose herewith.

I have the honor to remain,
Sir,
Your obedient servant,

John Newkirk Van Ferguson

To the Honorable John Hay,
Secretary of State,
Washington.
(One Enclosure.)

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 539. February 8, 1901.




Ackn. Mar. 12

Mr. Wilson

to the Secretary of State.

2 Copies of Dr Loenholm's book referred to herein deposited in Library-
Mar 11, 1901. Wm R. McDowell

Subject:

Perpetual leases in former Settlements; confirming Departments telegrams of January 28 and 31, etc.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 639. February 8, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to confirm your telegraphic instruction of the 28th ultimo, as follows:

American Minister, Tokio.

Registration of titles perpetual leases as superficies not acceptable to this Government without some authoritative interpretation of Japanese Government that title under that style is not inferior to that of the perpetual lease.

So far as advised, this Government not prepared to concede that buildings on perpetual lease are subject to taxation not specified in original lease.

Instructions follow.

HAY.

On the 31st ultimo I handed to the Minister for Foreign Affaires a signed memorandum, copy of which is herewith enclosed, embodying the contents of the above instruction. I also enclose a copy of Mr. Kato's reply, in which he expresses his preparedness to enter into an examination of the questions indicated, when a detailed expression of the views of the Government of the United States shall have been received.

Viscount Aoki's note of January 15 to the British Minister (Quoted in Enclosure No.3 with Mr. Buck's No. 398 of February 5, 1900) and his note to the French Minister, dated February 26, 1900, (Enclosure No.3 with Mr. Buck's No.417 of April 17, 1900) seem to contain, in effect, such an authoritative interpretation, I apprehend that the Minister for Foreign Affairs would willingly give a still more emphatic and uniquivocal interpretation, which, whatever might be the future rulings of law courts, would protect lease holders from damage by making the Government of Japan responsible. However, it is probable that, to end the great

great dissatisfaction on this score, exact registration of perpetual leases in terms, as such and only such, will be provided for by law.

I believe that the Japanese Government will not concede that buildings which stand on land held under perpetual lease should, for that reason, be exempted from the house tax or from any other charges to which buildings in general are liable.

I have the honor to confirm, also, your telegraphic instruction in cipher, received the 2nd instant, which reads as follows:

Washington, January 31, 5 P.M.

Wilson, Chargé, Tokio.

Minister's five thirty-two.

Request Japanese Government withold decision on questions of property leases, their registration, et cetera until Department can have time to prepare and forward its views.

HAY.

Accordingly, in a note dated the 5th, copy of which is herewith, I made the above request to the Japanese Government.

In reference to Mr. Buck's No.532, no reply has yet been received to his note to Mr. Kato dated January 1, designed to hold the Japanese Government to the Foreign Office's interpretation of the last clause of Article I of Ordinance No.458, which interpretation, (in enclosure with Mr. Buck's No.526 of December 14)appears to be authoritative.

Shortly before January 1 the British, French, and German Ministers sent three practically identical notes on the same subject, but further, strongly protesting against the Japanese Government's refusal to prolong the time beyond December 31. Day before yesterday they received Mr. Kato's replies. That to the British Minister, which I have read, points out that the clause objected to was inserted, as an act of grace, upon the written request of Sir Ernest Satow, for the purpose of allowing ample time for absentees to secure by registration, the priority of such rights as sub-leases, mortgages, etc., already held.

The Japanese Government are now engaged in praparing, for presentation

presentation to the present session of the Diet (which terminates on March 24th) a bill whose object is said to be to clear up, so far as possible, those points in all matters connected with the immunities and obligations of holders of perpetual leases in the former settlements, which, under the new treaties, are now uncertain or disputed. What the bill will decide,—which it will concede by its provisions, and which it will refuse by silence,—of all the changes asked for by the foreigners, is not known, since the authorities insist that the bill remain secret until actually laid before the Diet.

It appears that this bill is to be, in effect, the answer to many of the reclamations that have been made. I think the Japanese Government feel that their own position is in some respects weak,—notably in the form of registration prescribed for perpetual leases,—and that they are endeavoring to draw up a bill which will concede only what cannot possibly be refused, and will leave them in a tenable position ready to justify their refusal of all other demands, and that when they consider themselves in such a position they will continue the diplomatic discussion.

Many months ago the French, German, and British Representatives, under instructions from their governments, claimed, as well as immunity from all charges against lands held under perperual leases, immunity from the house tax and fromm all other charges against buildings standing on such lands. Their position remains unchanged. They contend that the buildings are "part and parcel of the lands."

The present French position differs from the British and German in that the French Minister goes so far as to claim that income tax may not be levied on income derived from property held under the perpetual leases, probably meaning the houses included.

In the German position there is a point not dwelt upon by others, based on the fifth paragraph of Article XVIII of the German treaty. It is:— That the perpetual leaseholds may now be sold to Japanese without becoming, by the process, titles in

fee

fee simple, (as well as to any foreigners). If the German treaty secures this right, contrary to the conditions of the orginal leases, then Imperial Ordinance No.333 of July 7, 1899, appears to conflict with that treaty. It seems that this right would widen the market for selling the leases and would prevent the settlement properties from getting irrevocably out of the hands of foreigners, who could not own them in fee simple.

The Germans rely upon paragraph 4 of Baron von Marschall's note of April 4, 1896, to secure forever, irrespective of the lapse of their treaty, any rights acquired before or during its operation of the treaty

Neither the British, French, nor German representative has yet received a definite reply to his representations.

An unfortunate misunderstanding, by which it has been widely believed that buildings must always be registered, has been brought about by a mistake in Dr. Loenholm's translation of the Law of Registration, and by the fact that there are separate registry books for land and for buildings. I have the honor to enclose herewith the translation of law referred to, with the mistake indicated. From that law, particularly from Article 106 for example, it appears that the holder of a perpetual lease to a lot, who owns the house thereon, is quite safe in the ownership of his house without registering it. I may here add that the Japanese themselves ordinarily do not register their houses if they own the land upon which those houses stand.

The best support of the argument that the houses and lands are regarded by the treaties as one is thought to be contained in Article XXI of the French treaty. But, as the houses were not in existence when the leases were made, and never belonged to the Japanese Government, it is difficult to understand how they can be considered as properties held under ( en vertu de) leases in which the Japanese Government is the lessor.

Since under the old system the foreign communities assessed themselves for keeping the streets in order and for lighting, policing, et cetera, it may be claimed that with the transfer of that duty to the Japanese authorities there goes also a certain right to tax; and, since the necessity of such expenditure depends

depends upon the buildings, house taxes may perhaps be regarded to some extent, as moneys to meet those expenditures. It is certain that the foreign quarters cost the authorities much more than the Japanese quarters do.

It is of interest to note that, even with the present taxable valuation, shrunk, by the settlement properties' increase in value, to only about one-sixth of the actual value, the land tax alone would be much greater than the ground rent. I hope soon to be able to give some statistics on this point.

Then if it should be decided that the land only is referred to in the treaties, it is to be subject to no imposts etc. further than those expressly stipulated in the leases, i.e. than the annual rent.

Under Ordinance No.458 transfers of property held under perpetual leases are registered without charge.

It is understood that transfers of such property by bequest are likewise registered free. As the title deeds were granted to those who originally received them and to their heirs and assigns, this seems to be secured by the terms of the leases.

It may possibly be questioned, on the ground that registration is part of the general municipal system under which foreigners have come, whether the registration of mortgages upon, and of sub-leases of, property held under perpetual leases should be free. Under the old treaties equitable mortgages were mostly made use of; but ordinary mortgages could be registered at the consulate, the parties thus acquiring a secondary protection in case the original documents could not be produced. As a satisfactory degree of safety was obtained in the old way, although the new way,—involving, like all Japanese registration, which is after the Torrens system of Autralia, the court's affirming the validity of the right registered,—provides the greatest degree of safety, yet the imposition of taxes upon any registrations in which property held under perpetual leases is alone concerned, seems to be an additional burden on such property, and to be contrary to the treaties..

From what I hear, I think that the Japanese Government will

will exempt lands held under perpetual leases from all charges of every kind; but that they will not admit that houses standing upon such lands are, for that reason, to be exempted from the various charges to which any other houses are liable.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosures:

No.1. Mr. Wilson to Mr. Kato, January 31.

No.2. Mr. Kato to Mr. Wilson, February 2.

No.3. Mr. Wilson to Mr. Kato, February 5.

No.4. Law Concerning Registration of Immovables, Dr. Loenholm's translation, two copies.

Enclosure No. 1, with Mr. Wilson's No. 539, of February 8, 1901.

Memorandum:

Pending the receipt of fuller expression of the views of his Government, the undersigned Charge d'Affaires a. i. of the United States has the honor to hand this memorandum to His Excellency His Imperial Japanese Majesty's Minister for Foreign Affairs.

The registration as superficies of title to perpetual leases is not acceptable to the Government of the United States without some authoritative interpretation of the Japanese Government that the title under that style is not inferior to that of the perpetual lease.

The Government of the United States are not now prepared to concede that buildings on perpetual lease are subject to taxation not specified in the original lease.

Signed: Huntington Wilson.

Enclosure No. 2, with Mr. Wilson's No 539, of February 8, 1901.

The Minister for Foreign Affairs has the honor to acknowledge the receipt of a memorandum which the Charge d'Affairs of the United States was good enough to hand to him on the 31st ultimo, in anticipation of a fuller expression of the views of the United States Government, on the subject of the registration of perpetual leases and the taxation of buildings on perpetual lease.

Upon the receipt of such detailed expression of views, the Minister for Foreign Affairs will be prepared to enter into an examination of the questions which are briefly described in the memorandum under acknowledgement.

Tokyo, February 2, 1901.

Enclosure No.3 , with Mr. Wilson's No.539 of February 8, 1901.

No.263. February 5, 1901.

His Excellency

Mr. Katō Takaaki

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre,

Under telegraphic instructions from the Secretary of State, I have the honor to request, through Your Excellency, on behalf of the Government of the United States, that the Imperial Japanese Government be so good as to further withhold their decision on the questions of property leases, their registration, et cetera, until the Department of State can have time to prepare and forward its views.

Trusting that I shall soon be able to make to Your Excelency more detailed communication of my Governments position on all the allied questions indicated above, I avail etc.,

Signed: Huntington Wilson.

Ltr
Am Legation to Japan

INDEX BUREAU
RECD
FEB 16 '01
DEPT. OF STATE

DIPLOMATIC,
FEB 13 1901
BUREAU.

Washington, D.C.,

February 16, 1901.

Hay
Feb 23
C

Honorable John Hay,

Secretary of State,

Washington, D.C.

S i r:

I have the honor to report that, taking advantage of the leave of absence granted by telegraph to me at Tokyo, I have this day arrived in Washington, subject to such instructions, if any, as may be given me.

I have the honor to be, Sir,

Your obedient servant

A. Buck

DIPLOMATIC,
FEB 24 1901
ASSISTANT SECRETARY
BUREAU
FEB 21 1901
PARTMENT OF STATE.

# TELEGRAM RECEIVED IN CIPHER

From TOKIO,

February 19th, 1901.

Received 11:55 A. M.

Secretary of State,

Washington.

Cont. Feb. 26

February 19th 3 P. M.

Before receiving your telegram of the 16th, had already acted upon instruction No. 335; had fully discussed and strongly represented our just request for a copyright convention securing reciprocal national or favored nation treatment. My representations seem favorably received and I am of opinion that an early favorable reply will be given. Transfer of the negotiations to Washington possibly might not endanger final result, but I fear that through postponing the negotiations here might injure prospects of success. If it is desired that negotiations be suspended, I have the honer to request definite instructions as to what reasons I am to assign for the suspension of negotiations. Await instructions before proceeding any further.

WILSON.

Deciphered by Miss Greer in C. C.'s Office.

Februaru 19th, 190, 1:40 M.

File

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.540. February 19, 1901.




Mr. Wilson

to the Secretary of State.

Subject:

Settlement property questions—enclosures.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.540. February 19, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

Referring to my dispatch No.539 dated the 8th instant, on the subject of the Settlement property questions, I have the honor to enclose herewith a copy of the reply to Mr. Buck's note of January 1, relating chiefly to Imperial Ordinance No.458.

A copy of the reply to my note of the 5th instant, conveying the Department's request that the decision of the questions about the leases etc. be witheld until they shall have had time to forward their views, is also enclosed. While all these questions may be now under consideration by the Japanese Government, internally, yet, as they say, technically, perhaps, or at least officially, no decision is pending. It appears that several governments are making representations which must be answered in turn; and that a bill is to be sent to this Diet.

A memorandum prepared in the legation chancery is likewise enclosed. It is an effort to set down concisely some points as to what was the condition of Settlement property before the new treaties, what is its present condition, and what may still be desired.

I have the honor to enclose, also, as possibly of interest or suggestive, a table of comparative rent and taxes leviable on the Settlement lands and upon houses on them. As indicated, some of these estimates were made in 1886. Without being able to vouch for their exactness, I think the general idea they give is not misleading. As they were given me confidentially, I must transmit them in the same way.

I have the honor to be,
Sir,
Your obedient servant,

Huntington Wilson.

Enclosures:

1. Mr. Kato to Mr. Wilson, February 12, 1901.
2. Mr. Kato to Mr. Wilson, February 16, 1901.
3. Memorandum on Settlement properties.
4. Table of comparative rents and taxes, as above.

Enclosure No. 1 , with Mr. Wilson's No. 540, of February 14, 1901

Translation No. 4.

Department of Foreign Affairs,
Tokio, February 12, 1901.

Huntington Wilson, Esqre,

Charge d'Affaires
of the United States
of America.

Sir:

In a note, which His Excellency the Minister of the United States has done me the honour to address to me under date of January 1st, 1901, he refers to his correspondence with my predecessor, Viscount Aoki, and the conversation which he subsequently had with me, on the subject of the property rights held by citizens of the United States in the former foreign settlements, and states that he has been informed that according to a note addressed by me to the Minister of Great Britain the interpretation put by the Imperial Government upon the provision of the last clause of Art. I of the Imperial Ordinance No. 458 of the 32nd year of Meiji (1899) is, as he had already been informed by me personally, to the effect that the limit of time for the registration of rights therein mentioned is not absolutely determined by the aforesaid Article, but that the only question involved is that if such rights are registered before such limit of time their order of priority will be in accordance with the order of their establishment, whereas if they are registered after the expiration of the term fixed in that Article they rank in accordance with the order of their registeration. Mr. Buck provisionally accepts the construction placed upon the Ordinance in question by the Imperial Government, but he has nevertheless deemed it proper to make reservation on behalf of citizens of the United States respecting the rights involved, should, perchance, a different construction be put upon the same Ordinance by a Japanese Court of Law.

In

In reply to the above mentioned note of the Minister of the United States, I have the honour to confirm the interpretation of the last clause of Article I of the said Ordinance, and to declare that there is nothing to prevent registration being made after the period fixed in that Ordinance.

The grace in question, was solely for the purpose of allowing all rights other than perpetual leases, which had been acquired by foreigners in immovables before the date the revised treaties went into operation, the exceptional privilege of taking the order of priority in accordance with the order of their creation and not of their registration.

In regard to the reservation which Mr. Buck makes on behalf of the citizens of the United States respecting the rights involved, having in view the contingency of a construction different from the one declared by me being placed by a Japanese Court of Law upon the said Ordinance, I beg to say that while, on the one hand, I am unable to admit the necessity of Mr. Buck's reservation, I do not feel, on the other, that I can properly enter upon an examination of the question of the value to be assigned to interpretations placed by the Imperial Government on the laws and ordinances of the Empire.

Accept, Sir, The renewed etc., etc.,

Signed. Kato Takaaki.

Minister for Foreign Affairs.

Enclosure No. 2, with Mr. Wilson's No. 540, of February 19, 1901.

Translation No. 5.

Department of Foreign Affairs,

Tokyo, February 16, 1901.

Huntington Wilson, Esq.

Charge d'Affaires of the

United States of America.

Sir:

I beg to acknowledge the receipt of your note No. 263 dated the 5th instant in which you inform me that you have been instructed by telegraph by the Honorable the Secretary of State to request the Imperial Government "to further withold their decision on the questions of property leases, their registration, et cetera, until the Department of State can have time to prepare and forward its views".

While it is not clear what kinds of leases are referred to by the words "property leases", assuming them to refer to perpetual leases of land in the former foreign settlements I may at once state that when the Imperial Ordinances Nos. 329 and 458 of the 32nd year of Meiji (1899) were promulgated in aid of the Treaty stipulations bearing on the subject of such perpetual leases the Imperial Government were well satisfied that nothing contained in those Ordinances were out of harmony with the terms of the revised Treaties. This decision having been arrived at at the time those Ordinances were promulgated, there is now no decision pending on the part of the Imperial Government, although further consideration of the questions involved may possibly at any time lead to an alteration or modification of the views which have been entertained by the Imperial Government. Nevertheless I have no hesitation in assuring you that any expressionof the views which the Government of the United States may see fit to formulate in reference to those questions will at all times receive that careful consideration which the Imperial Government have always been ready to extend to the representations of your Government. Accept, etc, Signed, Kato Takaaki.

Enclosure No. 2, with Mr. Wilson's No. 540, of February 19, 1901.

Translation No. 5.

Department of Foreign Affairs,

Tokyo, February 16, 1901.

Huntington Wilson, Esq.

Charge d'Affaires of the

United States of America.

Sir:

I beg to acknowledge the receipt of your note No.263 dated the 5th instant in which you inform me that you have been instructed by telegraph by the Honorable the Secretary of State to request the Imperial Government "to further withold their decision on the questions of property leases, their registration, et cetera, until the Department of State can have time to prepare and forward its views".

While it is not clear what kinds of leases are referred to by the words"property leases", assuming them to refer to perpetual leases of land in the former foreign settlements I may at once state that when the Imperial Ordinances Nos.329 and 458 of the 32nd year of Meijf (1899) were promulgated in aid of the Treaty stipulations bearing on the subject of such perpetual leases the Imperial Government were well satisfied that nothing contained in those Ordinances w ere out of harmony with the terms of the revised Treaties. This decision having been arrived at at the time those Ordinances were promulgated, there is now no decision pending on the part of the Imperial Government, although further consideration of the questions involved may possibly at any time lead to an alteration or modification of the views which have been entertained by the Imperial Government. Nevertheless I have no hesitation in assuring you that any expressionof the views which the Government of the United States may see fit to formulate in reference to those questions will at all times receive that careful consideration which the Imperial Government have always been ready to extend to the representations of your Government. Accept, etc, Signed, Kato Takaaki.

Enclosure No 3 with Mr Wilson's No 540, of February 19, 1901.

A Memorandum relating to:-

(1) The conditions under which property in the Foreign Settlements was formerly held;

(2) Japan's new treaty obligations in respect thereto;

(3) The steps already taken by the Japanese Government to meet their treaty obligations; and

(4) Points still requiring attention.

MEMORANDUM .

I. What Was.-

The Japanese Government set aside and rented to foreigners, for building purposes, certain lots of ground on leases in perpetuity. These lots were leased to bona fide residents only , and the leaseholders were required, in some cases, under penalty of forfeiture of their titles, to erect within a fixed period of time buildings of a substantial character.

The proprietorship of the soil was expressly reserved to the Japanese Government. The leases specified certain "lots of land", and the chief condition was the payment of a stipulated annual ground rent; in consideration of which the Japanese authorities engaged to keep the streets, roads, sewers etc., in good repair without additional charge,- the "ground rent" thus being in lieu of the ordinary Japanese land and municipal taxes. Provision was made for further assessments for special purposes, if required, either by the leaseholders themselves or by the authorities with their consent.

The rate of annual ground rent varied with different places, and was fixed at times, as in Nagasaki and Yokohama, in terms of Mexican dollars; and elsewhere, as in Hiogo, Osak and Tokio, in terms of the native coin "bu". The value of the latter was variously determined, sometimes "weight for weight" with foreign coins, and sometimes by convention ( as in the Tariff Convention of 1866 and the Austro-Hungarian Trade Regulations ). Both these forms of currency fluctuated considerably in value with the rate of silver, but especially the "bu" which was also subject to deterioration in recoinage. Thus

the actual amount of ground rent was variously reckoned in different places, and even in the same locality the rent might be fixed at a different rate at different times, according to the value of the "bu" when the leases were issued.

On the lots so leased foreigners erected buildings for residence and business. "They had absolutely nothing to show for their title to the houses but their deeds to the land"; and this , under Consular jurisdiction, was considered a sufficient showing. Transfers of the land generally included the buildings unless there was a special agreement showing a contrary purpose. Transfers were endorsed on the title deed by the Kencho and registered at the respective Consulates without any charge other than notarial fees. Such registration was simply notarial and not ex officio .

Transfers of title to a Japanese subject had to be sanctioned officially by the Consular and Japanese authorities jointly.

In case of forfeiture of a lease the lot reverted to the Japanese Government, and in some cases the buildings thereon also became the property of the Japanese Government.

Provision was made for the enlargement of the districts occupied by foreigners when necessary. Such extra-settlement properties might be let at a fixed rate,-as the Bluff property in Yokohama- , or be subject to the ordinary Japanese Imperial and municipal taxes,- as in Tokio, and in Kobe until 1888; or be charged a fixed rental based upon the average of the ordinary Japanese taxes for a few years previous,- including also taxes on the buildings,-as was the case with the Kobe Hill lots after 1888.

II. The New Treaty Provisions.-

The United States Treaty provides (Art. XVII):-

(1) That the several Foreign Settlements in Japan shall ------ be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan. --------

(2) That existing leases in perpetuity upon which property is now held in the said Settlements shall be confirmed, and no conditions whatever other than those contained in such existing leases shall be imposed in respect of such property.---------

By Article XVIII:-

(3) That the present treaty shall ---- be substituted in place of all former treaties and conventions, and all arrangements and agreements subsidiary thereto, which shall cease to be binding, and in consequence,

(4) That the jurisdiction exercised by Courts of the United States in Japan, and all the exceptional privileges, exemptions and immunities enjoyed by citizens of the United States as a part of, or appurtenant to, such jurisdiction shall absolutely and without notice cease and determine.

*

( Note.- It would seem from the provisions of Art. XVIII of the United States Treaty, and the corresponding Articles of the other Treaties, that property rights in the former Foreign Settlements,- e.g., buildings on lands held under perpetual lease-, in so far as they are based on previous arrangements or upon the application of foreign law under Consular jurisdiction, definitely terminate with the old treaties; and that the property rights in question are now determined solely by the terms of the original leases themselves, as provided in the new treaties, and by the application of Japanese law.)

II. The New Treaty Provisions.-

The United States Treaty provides (Art. XVII):-

(1) That the several Foreign Settlements in Japan shall ------ be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan. --------

(2) That existing leases in perpetuity upon which property is now held in the said Settlements shall be confirmed, and no conditions whatever other than those contained in such existing leases shall be imposed in respect of such property.---------

By Article XVIII:-

(3) That the present treaty shall ---- be substituted in place of all former treaties and conventions, and all arrangements and agreements subsidiary thereto, which shall cease to be binding, and in consequence,

(4) That the jurisdiction exercised by Courts of the United States in Japan, and all the exceptional privileges, exemptions and immunities enjoyed by citizens of the United States as a part of, or appurtenant to, such jurisdiction shall absolutely and without notice cease and determine.

#

The French Treaty stipulates (Art. XXI) that:-

Leases in perpetuity in virtue of which foreigners actually possess property in the Settlements shall be confirmed, and property of that nature shall not be subject to any imposts etc or conditions whatever other than those expressly stipulated in the leases in question.

The German Treaty provides further (Art. XVIII) that:-

Leases to lands in the Settlements may in the future, as in some cases in the past, be transferred freely, either to a Japanese or a foreigner, without the consent of the Consular or Japanese authorities.

The German Note of April 4, 1896, provides that:-

(1) As the ownership of the soil is vested in the Japanese Government, neither the holder of the lease nor his successors shall be required to pay any charges on the said land other than the stipulated ground rent.

(2) Rights acquired before or under the present Treaty shall be valid after the expiration of the said Treaty.

III.- What the Japanese Government Has Done.-

By Law No. 71, of March 18, 1899:

Provided that matters relating to the registration of rights of foreigners in immoveables and ships, acquired before the operation of the New Treaties, should be determined by Imperial Ordinance.

Imperial Ordinance No. 329, of July, 1899:-

(1) A right in an immoveable acquired by an alien or foreign juridical person before the operation of the new treaties, if not registered before the date of the operation of the said treaties, cannot be set up against third persons unless registered within one year thereafter (Amended by Imperial Ordinance No. 458, which see).

(2) Special registry books for such rights were opened and a copy of the registry book of a foreign Consulate relating to such rights given the same effect as a Japanese registry book. The provisions of the Law of Registration of Immovables are applied to such registrations.

( Note: The effect of this last provision is to give the Consular registrations so taken over the value, not only of claims of title, as before, but of the titles themselves; and moreover, under the Japanese Law ( and practice ) of Registration, the title to the land carries with it presumptively the title to the buildings thereon as well unless , unless there is a specific agreement ot the Contrary,- very much as was formerly the case under Consular jurisdiction. )

Imperial Ordinance No. 333 of July, 1899.

Rights of perpetual lease, when acquired by a Japanese or a Japanese juridical person, are converted into holdings in fee simple or ordinary superficies.

Imperial Ordinance No. 458, of December, 1899, ( amending Ordinance No. 329 ) :-

(1) The leases are termed "superficies (perpetual lease)".

(2) Transfers of title must be endorsed on the title deed by the Chihocho (Kencho), which office must report the fact of such transfer to the Registry Office. ( This provision removes the one year limit of Ordinance No. 329, as respects the registration of these leases).

(3) On receipt of the above notice the Registry Office must register such transfers ex officio ( i.e., without charge).

(4) The term for registration of existing real rights other than perpetual leases is extended to December 31, 1900; and entries of previous transfers by the Kencho or Consulates are confirmed.

Viscount Aoki's Notes of January and March, 1900, to the British and French Ministers, respectively:-

Give an authoritative assurance that the interpretation of the Japanese Government is that the said leases ( in perpetuity ) would still have the same validity as before after their registration under Ordinance No. 329; and that the words "perpetual lease" inserted in brackets in Ordinance No. 458 make it clear that the right is a perpetual lease and not a superficies under the provisions of the Civil Code ( see Art. 45 of the Law for the Operation of the Civil Code ).

Mr. Kato's Notes of December, 1900, and thereafter,:-

Give an official assurance that the terms of Ordinance No. 458 do not cut off the right to register existing rights in realty, other than perpetual leases, after December 31, 1900; that such rights may be registered at any time; only that when registered after the said date they follow the order of their registration and not of their establishment as regards priority of rights.

IV. Points Still Requiring Attention.-

(1) That titles to Settlement properties be confirmed as "perpetual leases", without qualification or change of form.

(2) That Imperial Ordinance No. 458 be amended to harmonize with the interpretation given by the Imperial Government and to avoid a possible difference of interpretation by the Japanese courts.

(3) That Ordinance No. 333 conform to the terms of the German treaty.

(4) That mortgages and subleases of property held on perpetual leases be registered without charge, as their security was satisfactorily guaranteed in the past by their registry or authentication at the Consulates.

(5) That the value of the "bu" be again fixed by international agreement, and the rate of exchange of the Mexican dollar be determined in the same manner.

(6) That the meaning of the words "property in the former Foreign Settlements" as used in the Treaties be defined. As a matter of fact a considerable portion of the property in Japan held by foreigners under perpetual leases lies wholly outside the limits of the Foreign Settlements, properly so called,- e.g., the Bluff lots in Yokohama, the Hill lots in Kobe, and some lots at Nagasaki. Such outlying properties, though in reality constituting what might be called "mixed zones", have been treated by the local authorities as if within the Settlements, but acting under instructions from the Central Government and not wholly without question.

(It is interesting to note in this connection that the ~~fixed~~ rental of the Hill lots in Kobe, fixed by agreement in 1888, was determined on the basis of the amount of taxes,

Imperial and municipal, the property would have paid were it owned by Japanese, including taxes upon the buildings erected on the lots; and that it is understood that the Japanese Government has no intention of charging house tax on such buildings ).

(7) In one or two places the rent which has regularly been collected and which is now well established by custom is considerably less than that which according to the terms of the leases could be claimed,- for example in Tokio. It seems desirable that the customary rate in such places be definitely guaranteed for the future.

Comparative Table of the amount of
respect of land held under perpetu

| Places | Tsubo no. | Rent | | Estimated Taxable Values | | |
|---|---|---|---|---|---|---|
| | | Per Tsubo Sen | Total Yen | Per Tsubo Yen | * Total Yen | |
| Yokohama | 188,664 | .2797 | 33,196.- | 7.54 | 894,005.- | 4 |
| " Bluff | 192,293 | .12 | 23,534- | 1.70 | 326,898.- | 1 |
| Nagasaki | 81,001. | .37 .28 .12 | 17,183.- | 2.,25 1.70 | 139,993.- | |
| Tokio | 25,641 | .28 | 7,179.- | 3.56 | 91,171.- | |
| Kobe | 39,988 | .32153 | 12,856.- | 4.95 | 198,160.- | |
| " Mixed | 9,117 | - | 2,211.- | 4.12 | 37,585.- | |
| Osaka | 9,937 | .32153 | 3,151.- | 3.21 | 31,902.- | |
| Totals | 476,641 | | 99,309.- | | 1,719,705.- | 8 |

※ According to estimates made in 188
The estimated value of such land

Comparative Table of the amount of Rent and Taxes leviable in respect of land held under perpetual leases and the buildings thereon.

Enclosure No. 4, with Mr. Wilson's No. 3-40 of Feby 19, 1901.

| | Tenbo no. | Rent | | Estimated Taxable Values | | Land Taxes | | * House Taxes Yen | Estimated Actual Value | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Per Tenbo Sen | Total Yen | Per Tenbo Yen | * Total Yen | Imperial Yen | Local * Yen | | Per Tenbo Yen | Total Yen |
| a | 188,664 | .2797 | 33,196.- | 7.54 | 894,005.- | 44,700.- | 10,639.- | 7,144.- | 60.- | 7,119,840.- |
| luff | 192,293 | .12 | 23,534- | 1.70 | 326,898.- | 16,345.- | 2,007.- | 1,278.- | 15.- | 2,884,395.- |
| | 81,001. | .37 .28 .12 | 17,183.- | 3.50 1.72 | 139,983.- | 6,999.- | 1,666.- | 5,696- | 15.- | 1,215,015.- |
| | 25,641 | .28 | 7,179.- | 3.56 | 91,171.- | 4,559.- | 1,085.- | 1,714.- | 35.- | 897,435.- |
| | 39,988 | .3215 | 12,856.- | 4.95 | 198,160.- | 9,908.- | 2,360.- | 2,239.- | 50.- | 1,999,400.- |
| ed | 9,117 | - | 2,211.- | 4.12 | 37,585.- | 1,879.- | 187.- | 236.- | 40.- | 364,680.- |
| | 9,937 | .32153 | 3,151.- | 3.21 | 31,902.- | 1,595.- | 380.- | 229.- | 35.- | 347,795.- |
| tals | 476,641 | | 99,309.- | | 1,719,705.- | 85,985.- | 18,324.- | 18,536.- | | 14,828,560.- |

* According to estimates made in 1886, except in the case of Yokohama Bluff land. The estimated value of such land was then placed at Yen 168,655.- or 87 sen per tenbo.

DIPLOMATIC BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN.

MAR 13 1901

BUREAU.

INDEX BUREAU
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MAR 12 '01
DEPT. OF STATE

DEPT OF STATE
MAR
13
1901
2ND ASST SECRETARY

No.541. February 20, 1901.

Ask awaiting further report. aaa

Ack
Mch. 15 C.

Mr. Wilson

to the Secretary of State.

Subject:

Copyright arrangement with Japan,—confirming telegrams.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.541. February 20, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to confirm the Department's cipher telegram, received the night of the 17th instant, reading as follows:

Washington, February 16, 2 P.M.

Wilson, Chargé, Tokio.

Hold copyright instruction number three thirty-five X until Minister returns.

Hill, Acting.

and my cipher telegram dispatched in reply, reading:

Tokio, February 19, 3 P.M.

Secstate, Washington.

Before receiving your telegram of the sixteenth, I had already acted upon instruction number three thirty-five. Had fully discussed and strongly represented our just request for a copyright convention securing reciprocal national or favored nation treatment. My representations seem favorably received; and I am of opinion that an early favorable reply will be given.

Transfer of the negotiations to Washington possibly might not endanger final result; but I fear that at the present time postponing the negotiations here might injure prospects of success.

If it is desired that negotiations be suspended, I have the honor to request definite instructions as to what reasons I am to assign for the suspension of negotiations.

Await further instructions before proceeding any further.

Wilson.

Instruction No.335, dated December 31, 1900, with copies of correspondence from publishers, of the President's Proclamations, and of the Department's circular of July 25, 1899, on the subject of

X Dated Dec 31, 1900

of copyright, reached here on the 7th instant.

I immediately investigated the subject, with a view to securing this Government's consent to making a conventional copyright agreement with the United States according reciprocal national treatment.

Article XXVIII of the Copyright Law of Japan, quoted in Mr. Buck's No.336 of July 20th 1899, contains the only obstacle to an immediate arrangement by the method of the President's issuing a Proclamation extending the protection of our copyright law to the citizens or subjects of any country the laws of which afford to Americans substantially national treatment in copyright. But Article XXVIII makes the enjoyment of national treatment by foreigners whose copyright privileges are not specially determined by treaty conditional upon first publication of their work in Japan, — their treatment thus differing from national treatment.

By Article 3 of the Protocol of 1894 with Great Britain, and by Section 4 of the Protocol of April 4 1896 with Germany, the Japanese Government agreed to join the Berne Convention covering copyright before consular jurisdiction should cease.

Then, too, Article XI of the Japan-Switzerland Treaty secures, irrespective of the Berne Convention, reciprocal national treatment in copyright. So that favored nation includes national treatment.

Indicated above is the only mention of copyright which occurs in Japan's treaties and conventions now in force.

On the 15th instant, in presenting the matter to the Minister for Foreign Affairs, I remarked that the United States Government had taken a leading part in facilitating and hastening treaty revision, and that their consequent willingness to sign their treaty so early showed clearly their confident expectation that they would receive at least as favorable treatment as any other nation; that the spirit of Article XIV, and, indeed, of the whole treaty, justified such an expectation.

I mentioned that we had reciprocal agreements with most countries

countries; and intimated that, since Japan had, by the Berne Convention as well as by the Swiss Treaty, afforded copyright protection to the citizens or subjects of practically all the Treaty Powers, it was impossible to anticipate a refusal to afford to citizens of the United States, whose Government offered a corresponding return, equally favorable treatment.

Mr. Kato desired to look at the laws and treaties, after which, he would be prepared within a few days for further discussion of the subject. He said that he would do all in his power to meet the views of the Government of the United States, which, in view of his taciturn disposition, was to be taken as distinctly encouraging. * *

As Mr. Uchida, the Vice Minister, enjoys the closest relations and entire confidence of Mr. Kato, on the next morning I called upon him and spoke still more strongly, believing that to interest him in the matter would have a good effect.

I was to be notified on what day Mr. Kato would be prepared to resume the subject.

I think that the Japanese Government feel that their having lately happened to oppose the United States in certain matters,— for example, the proposal to remove a portion of the China negotiations from Peking, and the Navy Department's desire for a coaling station at Samsah Inlet, together with their action in the "Whiskey Case", and the extraordinary conduct of their consular officer in the Philippines,—may have made an impression of unfriendliness towards America. I think it likely that these considerations make them desire, at this particular time, to avail of the opportunity to do something to counteract such a possible impression,—one which they could least afford to create with the present critical condition in China.

It seemed to be a "hobby" of Viscount Aoki, the last Minister for Foreign Affairs', that education in Japan should be cheapened by making text-books"free". So he was, I believe, rather opposed to a copyright agreement with the United States, American books being widely used. Whether any justification

of

of his attitude was even attempted, I do not know. It is to be expected that the present Government will be more reasonable.

For the foregoing reasons I regard the present as an especially opportune time for attempting to secure the desired convention,—an opinion I ventured to indicate in the telegram confirmed above.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

DIPLOMATIC,
MAR 16 1901
BUREAU.

# TELEGRAM RECEIVED IN CIPHER.

*From* TOKIO,

Secretary of State. MAR 16 1901

February 22, 1901.

Received 9:40 A. M.

Rec'd. Mch. 20.

Secretary of State,

Washington.

Referring to your telegram of the 19th. The attitude of Japan in opposition to military operations at this juncture coincides with America's as represented by Mr. Conger, although owing to anxiety to preserve concert it is rather less positive. Japanese Minister at Peking has been instructed accordingly. Commander of Japanese forces acts together with Japanese Minister and is guided by the instructions the Minister receives. Japanese forces will not take part actively in the expedition.

WILSON,

*Deciphered by* [signature]

Chief Clerk.

, 190 , M.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.#. February 25, 1901.




Mr. Wilson

to the Secretary of State.

Subject:

Transmitting duplicates of two dispatches lost on the "Rio "de Janeiro".

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 4. February 25, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

As it is reported that the mails were lost in the wreck of the P. M. Co's. steamship "City of Rio de Janeiro", which left here on the 2nd instant, I have the honor to enclose herewith duplicates of the two dispatches which I sent by that vessel in the legation mail pouch.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosures:

1. Copy of dispatch No.537 of January 29, 1901.
2. Copy of dispatch No.538 of January 31, 1901.

Copy sent to Secretary

TELEGRAM RECEIVED IN CIPHER.

DIPLOMATIC BUREAU. 1901

ASSISTANT SECRETARY FEB 26 1901 DEPARTMENT OF STATE.

From Tokio,

February 26, 1901.

Received 1.25 P. M.

Prompt Mch. 2.

Secretary of State,

Washington.

Japanese Minister for Foreign Affairs confidentially replied that, assuming that your telegram of the 16th exclusively refers to enlargement of settlements other than enlargement already effected or provided for prior to outbreak in China in the middle of last June, the Japanese Government would have no objection to reserving for general agreement questions as to settlement enlargement, if all other interested powers consent.

WILSON

Deciphered by J.R.B., Chief Clerk's Office

February 26, 2.15 PM, 189 , M.

UNITED STATES LEGATION,
TOKIO, JAPAN.

DIPLOMATIC,

MAR 30 1901

BUREAU.

INDEX BUREAU
RECD.
MAR 30 '01
DEPT. OF STATE

No. 542. February 26, 1901.

Did to
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2D ASSISTANT SECRETARY,
To Secy of War for his information
Asst.
MAR 30 1901

Mr. Wilson

to the Secretary of State.

Subject:

Confirming telegrams and enclosing copies of verbal notes relating to the attitude of the United States and of Japan towards proposed military operations in China.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 542 February 26, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to confirm your cipher telegram of the 19th instant, copy of the reading of which is enclosed, setting forth the United States Government's opposition, under the circumstances, to military operations in China; and the consequent action of Mr. Conger in deprecating Field Marshall Count von Waldersee's projected expedition, and General Chaffee's instructions not to take part.

On the 21st I handed to the Minister for Foreign Affairs, with a verbal note, copy of which is herewith, a copy of the telegram, and on the next day dispatched a cipher telegram, embodying the assurances Mr. Kato had given me, which I now have the honor to confirm, as follows:

Tokio, February 22, 12 noon.

Secstate, Washington.

Referring to your telegram of the nineteenth, the attitude of Japan in opposition to military operations at this juncture coincides with America's as represented by Mr. Conger, although, owing to anxiety to preserve concert, it is rather less positive. Japanese Minister at Peking has been instructed accordingly. Commander of Japanese forces acts together with Japanese Minister, and is guided by the instructions the Minister receives. Japanese forces will not take part actively in the expedition.

Wilson.

A copy of Mr. Kato's note dated yesterday, repeating in part his verbal assurances, is also enclosed.

I have the honor to be,
Sir,
Your obedient servant,
Huntington Wilson.

Enclosures:
1. Reading of Department's telegram of February 19,1901
2. Copy of Verbal Note, Mr. Wilson to Mr. Kato,February 21,1901
3. Copy of Verbal Note, Mr. Kato to Mr. Wilson,Feb'y 25th.

Enclosure No. 1 with Mr. Wilson's No. 542 of Feby 26, 1901

Washington, February 19, 5 P.M.

Wilson, Chargé, Tokio.

This Department has received a dispatch from Minister Conger relating to Count Waldersee's proposed expedition, and saying, (quote)"I have this day informed my colleagues that joint negotiations being in progress and military operations limited by terms of joint note to territory now occupied, I thought no offensive operations should be undertaken by forces of one or more of us without the Governments of all agreeing.

I restated position of United States as not committed to any further military operations, and stated that those now contemplated might disturb harmony, threaten concert, and jeopardize negotiations. Colleagues replied military was under direct control of respective governments"(end of quotation).

These representations of Mr. Conger were in accordance with his instructions and have received the approval of the President. General Chaffee has been instructed by the War Department not to join in any expedition to the interior.

Hay.

Enclosure No. 2 with Mr. Wilson's No. 542 of February 25, 1901.

Copy of Verbal Note, Mr. Wilson to H.I.J.M's Minister for Foreign Affairs.

February 21, 1901.

The Chargé d'Affaires of the United States presents his compliments to His Excellency, His Imperial Japanese Majesty's Minister for Foreign Affairs, and has the honor to hand him for the information of His Excellency's Government, the enclosed copy of a telegram received last evening from the Secretary of State.

The contents show the policy of the United States Government as deprecating, under the circumstances, further military operations in China, and the expression of that policy both diplomatically and in the instructions to the United States military forces in China.

The Chargé d'Affaires of the United States hopes to be informed of the attitude and action of the Imperial Japanese Government on this occasion.

His Excellency,
Mr. Kato Takaaki
His Imperial Japanese Majesty's
Minister for Foreign Affairs.

Enclosure No. 3 with Mr. Wilson's No. 542 of February 25, 1901.

Copy of Verbal Note, H.I.J.M's Minister for Foreign Affairs to Mr. Wilson.

His Imperial Majesty's Minister for Foreign Affairs presents his compliments to the United States Chargè d'Affaires, and has the honor to acknowledge with thanks the receipt of his note dated the 21st instant, enclosing copy of a telegram of the Secretary of State showing the policy of the United States Government as deprecating, under the circumstances, further military operations in China. The Minister for Foreign Affairs is happy to inform the United States Chargè d'Affaires in reply that the Imperial Government entertain the same views in the matter as those of the United States Government while the representations made by Mr. Conger to his colleagues at Peking meet with the full approval of the Imperial Government. The Japanese Minister to China has accordingly been instructed to bear in mind the above mentioned views of the Imperial Government as well as their constant wish not to separate themselves from the existing concert of the Powers.

The Gaimusho (Foreign Office)

Tokio, February 25, 1901.

UNITED STATES LEGATION,
TOKIO, JAPAN.

DIPLOMATIC,

MAR 30 1901

BUREAU.

INDEX BUREAU RECD. MAR 30 '01 DEPT. OF STATE

No. 1.

February 27, 1901.

2D ASSISTANT SECRETARY,
Ack & file.
MAR 30 1901

Mr. Wilson

to the Secretary of State.

Subject:

Advisability of reserving settlement enlargements in China for general agreement,—confirming Department's telegram of February 16, and Mr. Wilson's of 26th.

UNITED STATES LEGATION,
TOKIO, JAPAN.

DIPLOMATIC,

MAR 30 1901

BUREAU.

INDEX BUREAU
RECD.
MAR 30 '01
DEPT. OF STATE

No. ~.

February 27, 1901.

2D ASSISTANT SECRETARY,
Ack & file.
MAR 30 1901

Mr. Wilson

to the Secretary of State.

Subject:

Advisability of reserving settlement enlargements in China for general agreement,—confirming Department's telegram of February 16, and Mr. Wilson's of 26th.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. ~. February 27, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to confirm the Department's telegraphic instauction of the 16th instant, reading, deciphered, as follows:

Washington, February 16, 2 P.M.

Wilson, Charg6, Tokio.

Obtain as fully as possible the views of Foreign Office on the question of the advisability of reserving for general agreement the enlargement of foreign settlements in China. Equity seems to require that these arrangements have an international character.

Hill, Acting.

and my cipher telegram dispatched yesterday in reply, reading:

Tokio, February 26, 1901.

Secstate, Washington.

Japanese Minister for Foreign Affairs confidentially replied that, assuming that your telegram of the sixteenth exclusively refers to enlargement of settlements other than enlargement already effected or provided for prior to outbreak in China in the middle of last June, the Japanese Government would have no objection to reserving for general agreement questions as to settlement enlargement, if all other interested Powers consent.

Wilson.

I

I have the honor to enclose a copy of my note to the Minister for Foreign Affairs dated February 20th, desiring an early expression of views on the subject in question. On the 22st I spoke to Mr. Kato about the matter, but found him not yet prepared to reply officially. The telegram confirmed above was sent upon receipt of his note of yesterday, copy of which is also enclosed.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosures:

1. Mr. Wilson to Mr. Kato, February 20,—copy.
2. Mr. Kato to Mr. Wilson (confidential), February 28,—copy.

Enclosure No. 1, with Mr. Wilson's No. ~ of February 27, 1901.

No. 266. LEGATION OF THE UNITED STATES.

Tokio, February 20, 1901.

His Excellency

Mr. Kato Takaaki,

His Imperial Japanese Majesty's Minister

for Foreign Affairs.

Monsieur le Ministre:

The Government of the United States are desirous of obtaining from Your Excellency's Government a full expression of their views on the question of the advisability of reserving for general agreement the enlargement of foreign Settlements in China, equity seeming to require that these arrangements have an international character.

I therefore have the honor to request that Your Excellency be so kind as to favor me with an early expression of views on this subject, in order that I may communicate them by telegraph in reply to the Secretary of State.

I avail myself etc.,

Signed. Huntington Wilson.

Enclosure No. 2 with Mr. Wilson's No. ~ of Febmary 27, 1901.

Translation No. 3.
Confidential.

Department of Foreign Affairs,
Tokio, February 26, 1901.

Huntington Wilson, Esqre.
Chargé d'Affaires
of the United States of America.

Sir:

I have the honor to acknowledge the receipt of your note of the 20th instant, conveying the wishes of the Government of the United States for a full expression of views of the Imperial Government on the question of the advisability of reserving for general agreement the enlargement of the foreign Settlements in China and suggesting at the same time that equity would seem to require that such arrangements should have an international character.

The question is not, I regret to say, sufficiently developed, owing no doubt to the exigencies of telegraphic communication, to enable me to express, without qualification, the views of the Imperial Government on the subject, but assuming that your enquiry has exclusive reference to enlargements other than those already effected or provided for prior to the outbreak of trouble in China in the middle of June last, I have no hesitation in saying that the Imperial Government would have no objection to reserve the question of such enlargements for general agreement if all the other interested Powers likewise consent.

I avail etc.,

Signed. Kato Takaaki,
Minister for Foreign Affairs.

UNITED STATES LEGATION,
TOKIO, JAPAN.

DIPLOMATIC,
MAR 30 1901
BUREAU.

No. 543.

March 4th, 1901.

INDEX BUREAU
REC'D.
MAR 30 '01
DEPT. OF STATE

2D ASSISTANT SECRETARY,
Ack by subject + file.
MAR 30 1901

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Mr. Wilson,

to the Secretary of State.

Subject:

The Diet prorogued,- crisis in Japanese politics.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 543. March 4, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to report that on the 27th ultimo the Japanese Diet was prorogued by Imperial Rescript for a period of ten days. The circumstances which led to the prorogation are these:

The Government had introduced bills to provide additional revenue by increased taxation of alcohol, alcoholic liquors, and sugar. The House had readily passed these bills, the Constitutional Party's majority vote having been further augmented by the vote of a large portion of their opponents the Progressives, who supported the measures on the recommendation of Count Okuma, their leader. Count Okuma had advised them to do so, even though he thus divided his own party,— so heartily did he desire the passage of the bills.

The Committee to which the bills were referred in the House of Peers reported against them by a vote of twelve to three. This was evidently the index of the Peers' intentions. The committee's report stated as their reasons for rejecting the bills that, since the Government had promised to carry out a reorganization of administration and of finances, the reorganization should precede the increase of taxation; further, that there was no pressing need of funds which could not be met by further drafts on the Emergency Funds by selling a few bonds now held in the treasury; that the necessity of further military operations in China and consequent need of money were uncertain; and that the present was an inopportune time for increased taxation.

The Government has spared no efforts in endeavoring to persuade the Peers. Marquis Ito has appealed in the strongest terms for the passage of the measures. He contended that the

money

money was necessary for the maintenance of Japan' forces in China, and for upholding her international standing, and that the Government could not, therefore, consent to the rejection of the bills.

The attitude of the Peers was evidently unmoved by these appeals, and thereupon the Imperial Rescript of prorogation was read before the bills had been voted upon.

The two houses of the Diet have equal legislative functions, excepting that financial measures must go first before the Lower House. It is curious that the first time the Peers have ever failed to support the Government is in refusing a taxation increase already agreed to by the popular branch,- especially so since in his speech opening the Diet the Emperor definitely mentioned that he had directed his Ministers to prepare bills for increased taxation, for the purposes of defraying expenses in North China and of putting the national finances on a sound basis.

The gravity of the crisis appears from the fact that the Emperor has summoned from Kyoto Marquises Yamagata and Saigo and Count Matsukata, the most powerful of the senior statesmen, to assist in adjusting the trouble. They, like Count Okuma, have expressed their opinions that the taxation bills shpuld be passed.

While the Peers are not disposed to yield, yet a compromise by mutual concessions may perhaps be brought about through the mediation of the elder statesmen. It is possible that a direct message to the Peers, in effect a mandate from the Emperor to pass the bills, may be resorted to. A change in the organization of the House of Peers is spoken of as another possibility. An appeal to the country by the election of a new House of Representatives , who would no doubt again support the measures,- and thus by reiteration make the popular will doubly certain,- is also possible, but hardly likely. A partial change of Cabinet

Confidential.

Confidential

inet might enter into a compromise to remove opposition; but failing any of these alternatives, the fall of this Ito party cabinet must, it seems, result. As usual in Japanese politics, results cannot be foreseen.

Even though there may now be no urgent need of additional revenue , as stated by the Peers' committee, yet it seems necessary for the contingencies of the near future , for restoring the depleted Emergency Funds, and for continuing the Post-bellum Programme. It is generally acknowledged that the opposition of the Peers is based, not upon disapproval in principle of the bills, but upon feelings of hostility, prejudice , and pique. They are against party government at present. Because they despise Mr. Hoshi, whose reputation is the worse for some public works' scandals, they are especially suspicious of and hostile to government by a party in which he and his followers are so exceedingly prominent, and reluctant, perhaps, to supply additional revenue to be disbursed under that party's government. They are prejudiced against a few of the Ministers, whom they think ill chosen. They are rather jealous of the power of the Lower House, piqued at the comparatively less attention paid them,- in explaining measures etc.,- and a feeling that they were being coerced made them desire to assert their power.

Confidential

In this connection I may mention that the budget was passed by the Lower House with only the cutting down of the departments' estimates by some two millions and the elimination ( as better postponed till after the promised administrative reform ) of a provision for raising the absurdly low salaries of judges. Thereupon the judges throughout Japan began an agitation that almost amounts to a strike; and it is said that the Government is to bring them before a disciplinary court. Baron Kaneko, Minister of Justice, issued a notification; but it seems to have failed to restore order among the refractory judges.

An item in the budget understood to be disapproved by the

Peers

Peers is an appropriation for establishing a steel foundry for the Navy at the Kure naval station, instead of making the Government iron foundry at Wakamatsu capable of doing the naval work,- and thus economizing large sums.

A few weeks ago the Government declared the National Union to be a political association, thus bringing it under the regulations governing such bodies and greatly restricting the energy of its agitation for arousing popular opinion about the China crisis. The Young Men's National Union, a branch of the other and still more polemic and Russo-phobe society, was not allowed to hold a mass meeting it had arranged for in one of the parks, and was, a day or two later, suppressed. Prince Konoye, President of the House of Peers, being also President of the National Union, the Government's conservative restraint of that organization is mentioned as another possible cause of the resentment existing at this time among the Peers.

I have the honor to enclose herewith a clipping from the Japan Times of the first instant, giving translations of speeches delivered in the House of Peers on the 27th ultimo by Marquis Ito, the chairman of the committee, an official of the Finance Department, and others. Those omitted contain nothing new or important.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosure:

Clipping from the Japan Times of March 1st, 1901.

Enclosure with Mr Wilson's No 543 of March 4, 1901.

The Japan Times.

TOKYO, FRIDAY, MAR. 1ST, 1901.

## THE IMPERIAL DIET.

WEDNESDAY, February 27.

THE HOUSE OF PEERS.

The House sat at 10 a.m, with the President, Prince Konoye, in the chair, the Order of the Day being as follows:—

1.—Committee's report on the official Bill for amending the Sake Tax.
2.—Do. relating to Alcohol and Alcoholic Liquors.
3.—Do. for amending the Export Duty on Alcoholic Liquors of Okinawa.
4.—Do. relating to the Refundment of Tax on Alcohol and Alcoholic Liquors exported Abroad.
5.—Do. of Tax on Alcohol used for Medical and Industrial Purposes.
6.—Do. on Beer Tax.
7.—Do. on Sugar Tax.
8.—Do. for amending the Customs Tariff and the Import Duty Schedule pertaining to it.
[The above mentioned eight Bills were sent up from the Lower House.]
9.—Do. relating to the Castration of Military Horses.

The first eight items in the Order being put to the House in a lump, Marquis Kuroda, chairman of the Special Committee charged with these bills, ascended the rostrum, and reported on the decision arrived at by that Committee. After recounting the proceedings of the meeting—the only meeting—the Committee had held, namely that on the 25th February, Marquis Kuroda proceeded to briefly explain the reasons why the majority of the Committee decided on the rejection of these bills. From his explanations, it is to be gathered that the Committee did not think that the present was a suitable moment for the elaboration of any scheme of taxation, because it was as yet impossible to make any reliable forecast of the future expenses on account of the Chinese trouble and also because the Government, according to the announcement made by the Premier, was going to undertake investigations concerning administrative and financial reforms. As to the objection that, unless these bills were passed, it would be impossible to meet the current expenses of the Chinese business, the Committee replied that it ought to be quite easy for a Government with an annual revenue of over 200 million yen to make a temporary provision out of that revenue for the purposes of the Chinese expenditure. A temporary arrangement for the approaching financial year might possibly be effected, in the Committee's opinion, even without making any draft on the above mentioned revenue. In the first place, tight as the market was, it ought to be easy enough to dispose of a few millions of these bonds in which the remaining portion of the Emergency Fund was invested. Then again the Committee did not believe that a balance of a few millions more must remain good for the coming year out of that portion of the Emergency Fund, legally called the Fleet Maintenance Fund, which was in cash and which was now being drawn upon for the purposes of the Chinese expedition. A third resource suggested by the Committee was the alleged unappropriated remnant of the Chinese Indemnity, amounting to four million yen. A fourth and last stock of money on which the Committee advised the Government to fall back for the purpose of the temporary appropriation, was the alleged accumulation of funds which had come into existence in consequence of constant delays in the progress of the public works of the "continuing" class. The accumulation from this cause was alleged to have amounted to 74 million yen in 1898 and to 66 million yen in 1899. Under these circumstances the Committee was convinced that it ought to be very easy for the Government to defer the elaboration of a taxation scheme for a year or so, without any serious financial inconvenience. The Committee therefore thought that the proposed measure should be reserved to the next session or, should that be inadvisable, to an extraordinary session.

Mr. Jun-ichiro Kodama to Marquis Kuroda put a series of questions, which, do not, however, call for any notice, because they neither contained nor elicited any important point.

Mr. Yoshiro Sakatani, Government Delegate, then proceeded to the rostrum and corrected a few misstatements in Marquis Kuroda's speech. As to the proposed sale of public bonds in the Government's possession, Mr. Sakatani pointed out that in view of the fact that bonds were even then below 90 yen, it was easy to see that any attempt on the Government's part to dispose of those bonds would at once depress the quotations to a point highly injurious to the Treasury and also to the bankers and individual bondholders and would probably lead in consequence to a serious economic disturbance. With regard to the alleged accumulation of funds on account of the delay in public works, Mr. Sakatani denied the existence of any such accumulation and in proof of his statement, he referred to the settled account for last fiscal year, wherein the net surplus only amounted to 80,000 yen. Lastly as to the alleged remnant of the War Indemnity, Mr. Sakatani assured the House that, as he had repeatedly pointed out to the Committee, there was no such remnant in existence.

Marquis Ito then addressed the House as follows:—

"Gentlemen.—I explained my views on this question at some length at the meeting of the Committee the other day, and I believe I understand some of the principal reasons why the Committee has decided on the rejection of the Bills before you. I have now to announce to you that the Government finds itself unable to see its way to accepting the Committee's decision. I do not propose to-day to argue the matter with you at any length; my object is simply to state some of the reasons why the Government finds it difficult to accept the Committee's decision, and to make an earnest appeal to you to bestow your mature and deliberate attention upon the important question before you. In so doing I am afraid I may possibly and unconsciously say things that may not be particularly agreeable to you, but you will understand that my position and my duties to the state render it necessary for me to be frank and straightforward with you. I have already told you that the scheme of taxation now before you is in its nature essentially different from similar schemes submitted to you in recent years. You know very well that a large military force has been sent to China since June last, and that it is now already nine months since our troops first left our shores. A portion of our expeditionary army was recalled after the fall of Peking, but the force still remaining in North China is over 10,000 strong. And the money now demanded from you is to be employed for feeding and clothing these brave fellows in North China and in defraying the expenses of the military operations undertaken by them. As you may know, recourse has been had to increased taxation by all the countries that have despatched military forces of any magnitude to China. Why should not Japan do the same? I asked the Committee to be so good as to point out any practical alternative to taxation. Reference was made to the alleged remnant of the War Indemnity, but I think the Government made it clear to the Committee that no such resource is available. The sale of public bonds in the Government's possession was then proposed, but we again pointed out the reasons why such a course was out of the question in the present state of the market. These reasons equally forbid the adoption of another suggestion made by the Committee, namely the raising of a loan. Lastly it was hinted that the Government must have on its hands a considerable accumulation of unappropriated funds on account of the "continuing" works, but that again was explained not to be the case. It is all right for you to say that your views are different on the subject of taxation from those of the Government; but I would like to remind you that it is incumbent upon you, if you mean to reject the bills before you, to suggest a definite alternative course for the maintenance of the troops in China. You will have seen, however, that no such alternative has thus far been proposed, and I do not see how any alternative can be devised. There is another point to which I wish to direct your attention. Some members of the Committee remarked the other day that although they were not opposed to the defraying of the Chinese expenses by means of increased taxation, they could not approve of the employment of the proceeds of such taxation for any other purpose. On this point, I wish you to understand that the proceeds of the proposed increase in taxes are to be employed for different purposes at different periods of time. Moreover, even if the proposed increase was approved by you, the whole amount will not accrue from the first year, and so during the coming fiscal year temporary loans will have to be contracted by the Government. But such loans will be paid off out of the revenue of the second year. To incur such loans without any definite expectation of paying them back at an early date would be a bad financial policy. I am informed that some of you entertain a suspicion that in propo-

ing this measure, the Government may have in view some objects other than those openly disclosed to you. I hardly think it necessary to say that such apprehensions on your part are not only absurd but are quite unnecessary; for the law makes it impossible for the Government to make any disbursement without the concurrence of the Diet. Although I do not mean to lecture you upon the principles of constitutional government, I must call your attention to the importance of maintaining harmony between the different departments of the legislative machinery,—machinery which is composed of the Government and of both Houses of the Diet. But how can harmony be maintained between them, unless they are capable of making mutual concessions and compromises? I hope that such harmony may continue to be preserved—I entreat you with all my heart to preserve it—that the pressing needs of the state may be adequately met with. I deeply regret the decision to which the Committee has come on this question of taxation. What has been done cannot be undone, but now that the question is before you, I have to solicit your candid and favourable consideration of the proposal. Should you refuse to grant it that consideration, it will be impossible for the Government to conduct the affairs of the state. If you think otherwise, I hope you will not refuse to point out how. Should you think that there is anything connected with my conduct of affairs that deserves censure, I will not prevent you from taking any course that you may think proper; you may address the Throne, or you may impeach me. But with regard to the money needed for the Chinese business, I hope you will regard the matter on its own merits. So far I fail to see that any adequate reason has been adduced by you to account for your refusing to provide for the requirements of the troops stationed in North China. It being my earnest desire to maintain amicable relations with both Houses of the Diet, I have to declare once more that it would be quite impossible for the Government to carry on the business of the country, unless the present taxation proposal be approved by you. Should you reject the proposal, the result would be in the highest degree lamentable for the country. If you want any explanation, the Government will be but only too ready to satisfy you; neither will it refuse to listen to and carefully consider any counter proposal that may be offered by you."

Count Ogimachi spoke next as an opponent of the measures. The report of his speech which ought to be inserted here, will be given in our next issue.

The first speaker to appear on the rostrum in the afternoon session was Mr. Koki Watanabe, who first proceeded to recapitulate to the following effect the points raised by those opposed to the Bill under consideration, both at the Committee meeting and in the morning session of the House. One of the opposition's contentions was that the emergency fund the appropriation of which had been sanctioned by an Imperial rescript amounted to fifty million yen, and that therefore, while it lasted, this money would serve the purpose of defraying the expenses occasioned by the present situation in China, and that anyhow the Government would only be able to raise two and a half million within the current year even supposing that the measure of increased taxation were put in operation, so that before the month of November was over it would have become necessary for the Government to raise more money by borrowing or by floating a public loan. Should the Chinese affair be settled in the meantime, all would be well and good; if on the other hand, however, it should continue to drag on, an extraordinary session of the Diet might have to be convened and the necessary appropriation thus obtained. At all events there ought to be means enough to raise a paltry sum of two and a half million yen without resorting to increased taxation. Another contention was that the House could not vote for the Bill, inasmuch as some conflicting statements had been made by some of the Government's Delegates and because it was not certain whether the resultant increase in the revenue was to be used solely for the purpose of making good the extraordinary expenditure caused by the sudden outbreak in China or to be in part applied to meeting a deficit in the ordinary account brought about by one circumstance or another. There were points, however, on which both the supporters and opponents of the Bill were agreed. These were that the expenditure that might properly and legitimately be demanded by the Chinese operations must necessarily be met whatever course might have to be resorted to in order to meet it; and that this country could not at this juncture alter in the least the attitude that it had assumed in connection with the Chinese crisis. Again, all were agreed that the special reserve fund out of which the 50 million

yen was appropriated must be refunded as that fund had been created by an act of the Diet. Nor was there any division of opinion as to the necessity of meeting the Chinese expenditure even though it should in the end foot up to a sum exceeding fifty million yen. In other words both sides acknowledged that an increase of taxation was ultimately a necessity that could not be avoided. In carrying out this necessary increase in taxation, the opposition again appeared to be one with the Government in thinking that *saké*, beer, and sugar were the most appropriate articles to bear the burden of the increase in question. In view of these contentions and concessions, the speaker wished to point out that the situation in China was this. That country was for the time being like a common in which various Powers were interested. Everybody, the whole world was anxious that the present complications should be speedily brought to a termination satisfactory to all concerned; but should those complications drag on unsettled, none of the Powers interested would care to withdraw and it would be imperative on Japan to maintain the position she had taken in the concert of the Powers, acting in harmony with them in so far as the considerations of her rights and interests should allow her to do so. In maintaining this attitude it was most urgent that there should exist unity of opinion and spirit in the country and this unity would be stronger in proportion as the financial position of the country was strengthened. Argued in this way the question of the necessity of increased taxation was perfectly clear. Some had said that the present measure might be deferred till a more opportune time than the present would have arrived, but that such a time could ever come was an absolute impossibility. Besides, the whole country was agreed that the proposed increase would become a matter of absolute necessity sooner or later and that the articles chosen to bear the burden of this increase were the most appropriate. Under the circumstances the postponement was only a time serving policy and if acted upon it would certainly result in a serious disturbance of the economic condition of the country. If the opposition meant absolute opposition, nothing need be said; but a mere postponement would be intolerable, even dangerous. As stated at length by the Prime Minister the main object of the present measure was to meet the extraordinary expenditure caused by the unexpected turn of affairs in China. Whatever plausible ground its opponents might have for thinking otherwise in the above connection, there was a point of great importance which they should not lose sight of and that was that even though the Government might be enabled to tide over its financial difficulties till October next the throwing out of the Bill at this moment would so handicap its action that it might become compelled to alter its attitude *vis à vis* of the foreign questions now demanding solution. The Lower House had already and unanimously voted for the Bill and the speaker was most solicitous that the Upper House would defer taking the ballot on the measure till it might have had time to reconsider the decision which it had apparently arrived at previously, as he thought that some sort of compromise with the Representatives might not be impossible.

Mr. Watanabe was followed by Matsuo of the Treasury Department who in the capacity of a Government Delegate spoke on the question of temporary appropriations out of the national treasury, which he said had been receiving a large share of the attention of the members. Prefacing his speech with a statement to the effect that according to the present system of finance the Treasury was not to be in possession of any surplus in the form of cash on hand at the end of each fiscal year, and that this was so at present as might have been seen from the budgetary statement submitted to the House, Mr. Matsuo proceeded with a detailed account of the way in which the indemnity received from China had been disposed of. This indemnity in the terms of Japanese currency had amounted to 366,230,000 yen. Of that sum 56,790,000 had been appropriated in connection with the programme of military expansion and 139,250,000 yen in that of naval expansion. Besides, 370,660 yen had been set aside on account of the establishment of the Government Iron Foundry, while 78,950,000 yen had been credited to the war expenditure of 1894-5, and 3,210,000 yen, to the same expenditure which had remained unpaid on the balance sheet of the fiscal year of 1897-8. Again 12,000,000 yen had been transfered to the Formosan account for the fiscal year of 1898-9 and 20,000,000 yen to the Imperial Household. Of the remaining 56,420,000 yen, fifty million yen had been made ready to form the so-called Three Funds, namely the Naval Fund, the Natural Calamity Fund and the Education Fund, so that of the whole amount of the indemnity there was only 6,420,000 yen which remained at present unappropriated for any purpose. Of this unappropriated amount 3,500,000 yen now existed in the shape of the debentures of the Industrial Bank and it was the final residue after deducting this amount which stood in the books as cash on hand. With regard to the present condition of these various appropriations it might be stated that payments were still being made on account of the naval and military expansion programme, that process having already been satisfied with regard to other appropriations. As for the actual account of the money received in indemnity Mr. Matsuo said that out of the total of 366,230,000 yen, the amounts already paid out on account of the appropriations above mentioned summed up to 299,930,000 yen, the remainder in the form of cash on hand standing at 66,300,000 yen on the last day of last December. Of the last mentioned figure, 40,700,000 yen was to be paid out on account of the balance of expenditure for the fiscal year 1900-1 and that for 1901-2. Of this 40,700,000 yen, 28,000,000 yen was at present kept in the country in the form of gold or silver bullion, 10,000,000 in London in

actual cash, and 4,200,000 yen in the form of public debentures. This 49,700,000 yen was as already stated to go to pay for various prescribed disbursements to be finished by the end of the coming fiscal year or on the last day of March 1902. Of these disbursements the largest share was to be made abroad. From these calculations it could be seen that 16,580,000 yen would represent the cash on hand to be carried over to the account of the 1902-3 fiscal year on account of the indemnity money. Now coming to the question of whether or not this last mentioned sum was in the form of actual cash, it should be stated that three million had been temporarily borrowed from in order to make good the deficit which had occurred in the general settled account for the fiscal year 1899-0; 500,000 yen had been loaned to the Special Exchange Settlement Account, in accordance with an act passed by the Diet; 9,490,000 had been turned into public loan bonds, kept abroad; and 3,590,000 into the debentures of the Industrial Bank as already mentioned. Returning once more to the sum of 49,700,000 yen Mr. Matsuo observed that, in the opinion of the officials concerned, it was hardly to be expected that there would be any perceptible balance left to be carried to the account of the 1902-3 fiscal year. Large and frequent disbursements would have to be made during the next fiscal year to pay for most of the warships now under construction which would then be finished and for other continuation undertakings which would also have been nearing completion by that time. On the other hand, the condition of the money markets both at home and abroad was such that it was out of the question to advantageously turn into money the debentures and public loan bonds held on account of the 16,580,000 yen of which mention had been made by him before. On the whole therefore as things stood at present the Treasury was not in a position to make temporary appropriations to meet large expenditures of an immediate nature. Turning to the Three Funds, the Government Delegate next said that out of the 30,000,000 yen appropriated for the navy 28,640,000 yen had already by an Imperial sanction been appropriated, temporarily it was true, for the purpose of meeting the Chinese expenditure. To state how the particular fund in question was constituted 15,000,000 were in the form of gold currency but that portion had been used up. The remaining moiety consisted of foreign loan bonds and it was this balance that the officials concerned were exhausting their ingenuity in trying to convert into cash to meet the necessary Chinese expenditure. The other two—the Natural Calamity and the Education—fund together amounted to 20,000,000 yen and this amount remained in the hands of the Government in the form of public bonds bearing 5 p.c. interest. Judging by the present condition of the money market at home, any attempt to convert these bonds into money would have only one result,—that of causing a serious loss to the Government as well as of interfering to a dangerous extent with the smooth working of the monetary organs of the country, any such attempt would hence be an impracticable one. Finally, coming to the subject of the Government undertakings to be carried out by raising public loans, Mr. Matsuo said that those already decided upon and for which appropriations had been made in the Budget of 1900-1 were represented by the sum of 36,360,000 yen. Of these undertakings, works involving a disbursement of over 13,000,000 yen had been completed by December of last year while another disbursement of over one million yen was due between January and March this year. Further, undertakings representing a disbursement of over 13,280,000 yen were expected to be continued into the next fiscal year and consequently no loan would be floated for the time being on account of these latter undertakings. The portion of the undertakings which had to be paid for by the 31st of March next would require a sum of 23,800,000 yen and this bill had to be met somehow or other by that time. And how it was to be met was a question which was greatly troubling the minds of those concerned. Such being in brief the actual condition of the finances of the Treasury, the latter had no surplus which it could appropriate for the purpose of meeting the Chinese expenditure.

Mr. Matsuo's speech over, a few questions and answers were exchanged between a few members and the Government delegates. In the meantime the President announced that an Imperial Rescript had been given. After the Rescript, which was reported in our yesterday's issue, had been read the House rose at 2.06 p.m.

UNITED STATES LEGATION,
TOKIO, JAPAN.

APR 4 1901

BUREAU.

2D ASSISTANT SECRETARY,
by M.
Ack & file. aag
APR 3 1901

No. 4.

March 8, 1901.

Secretary of
APR 4 1901

Mr. Wilson

to the Secretary of State.

Subject:

Confirming Department's telegram of March 3rd, on China.

Enclosure with Mr. Wilson's No. 4, of March 8 1901.

Copy of telegram received March 3rd, 1901.

Washington, March 3, 1901.

Wilson, Charge, Tokio.

The following memorandum, which was handed to the Chinese Minister on February 19th, is transmitted to you for your information and communication to the Government to which you are accredited:

"The preservation of the territorial integrity of China "having been recognized by all the Powers now engaged in joint "negotiation concerning the injuries recently inflicted upon "their Ministers and nationals by certain officials and sub-"jects of the Chinese Empire, it is evidently advantageous to "China to continue the present international understanding upon "this subject.

"It would be, therefore, unwise and dangerous in the ex-"treme for China to make any arrangement, or to consider any "proposition of a private nature, involving the surrender of "territory, or financial obligations, by connection with any "particular power; and the Government of the United States "aims solely at the preservation of China from the danger in-"dicated, and the conservation of the largest and most bene-"ficial relations between the Empire and other countries, in "accordance with the principles set forth in the Circular Note "of July 3, 1900; and, in a purely friendly spirit towards this "Chinese Empire and all the Powers now interested in the negot-"iations, desires to express its sense of the impropriety, in-"expediency, and even extreme danger to the intrests of China "considering any private territorial or financial arrangements "at least without the full knowledge and approval of all the "Powers now engaged in negotiation."

Hay.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 4. March 8, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to confirm your telegraphic instruction dated the 3rd instant, copy of which is herewith enclosed, which gives the text of a memorandum handed to the Chinese Minister at Washington on February 19th, in which is emphasized the necessity of continuing the present international understanding and the grave danger of any departure therefrom by any seperate arrangement or connection, on the part of China, with any particular Power.

On the 4th, Mr. Kato being absent, I handed a copy of the telegram to the Vice-Minister for Foreign Affairs. He seemed pleased at the strength of the American memorandum. Its communication has been acknowledged with thanks.

The Foreign Office had received some discription of the memorandum, by cable, from Mr. Takahira, about the 20th ultimo.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosure:-. Copy of telegram received March 3rd, 1901.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.544. DIPLOMATIC, March 11, 1901.

Secretary of State.
APR 5 1901

APR 5

BUREAU.

DEPT OF STATE
APR
5
1901
2ND ASST SECRETARY

RECD.
APR 3 '01
DEPT. OF STATE

To War Dept. in accordance with annexed duplicate. Ans when War Dept shall have replied.

aag

To War Dept
April 8.

April 13

Mr. Wilson

to the Secretary of State.

Subject:

Reported abetting of Filipino insurgents by Japanese consular officer.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.544. March 11, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Referring to Mr. Buck's dispatch dated the 5th of last January, enclosing copy of his note to the Minister for Foreign Affairs on the subject of the reported abetting of the Philippine insurgents by a Japanese consular officer, I have the honor to enclose herewith copy of Mr. Kato's preliminary reply dated January 7th, to Mr. Buck's note above referred to.

A copy of his definite reply, which has come today, is likewise enclosed. While admitting that Mr. Taiyo Hojo, the consular officer, on one occasion met and held communication with the chief Trias, it is stated that the interview was by chance, and that all the suggestions came only from the Filipino, and were discouraged by the official; and that the official is to be transferred.

On some occasions I have mentioned the matter to the Minister for Foreign Affairs. He said that he had summoned Mr. Hojo to Tokio, as it was thought the investigation at Manila could proceed better in his absence. Some weeks ago I noticed in the newspapers Mr. Hojo's arrival at Yokohama.

Awaiting instructions as to whether I am to state that the United States Government are satisfied,

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosures:

1. Mr. Kato to Mr. Buck, January 7,
2. Mr. Kato to Mr. Wilson, March 11, 1901, — copies.

Enclosure No.1, with Mr. Wilson's No.54, March 11, 1901.

No.1. Translation. (Copy)

Department of Foreign Affairs,

Tokio, January 7, 1901.

His Excellency A. E. Buck,

etc., etc., etc.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's note dated the 3rd instant in which, under instructions of the United States Government, you communicate to me information to the effect that the General in command of the United States forces in the Philippine Islands has reported to your Government that, among papers of the Philippino chief Trias, recently captured, there has been found a record of a conference that took place in October last between the said chief and the Chancellor in charge of the Japanese Consulate in the Philippines indicating encouragement of a Filipino proposal for ultimate Japanese ascendency in the Philippines and that the consular officer advised Trias to visit Japan to negotiate for voluntary contributions of arms, and, concerning the future of the Philippine Islands, representing that Japan desired a coaling station, freedom of trade and to build railways. Your Excellency continues to state that such a charge makes the continuance of the said consular officer in the Philippine Islands impossible, and invites rigid investigation and proper discipline by the Imperial Government.

I beg leave to state that the Imperial Government are wholly unaware of the fact as stated in your note and the Imperial Government while they could not permit themselves to believe

believe that a member of the Imperial Consulate should have ever had any intercourse with the insurgents, will at once institute full investigation of the matter and will make further reply to you when the result of such investigation is known.

I avail etc.

(Signed) Kato Takaaki,
Minister for Foreign Affairs.

Enclosure No. 2 with Mr. Wilson's No. 544 of March 11, 1901.

Translation No. 4.

Confidential. Department of Foreign Affairs

Tokio, March 11, 1901.

Huntington Wilson, Esquire,

Charge' d'Affaires

of the United States of America.

Sir,

In acknowledging the receipt of Minister Buck's note dated the 3rd, January last, in which His Excellency, under instructions of the United States Government, communicates to me information they have received from the General in command of the United States forces in the Philippine Islands to the effect that, among papers captured from the Filipino insurgents, there has been found a record of a conference which took place in October last between the Chief Trias and the Chancellor in charge of the Japanese Consulate in the Philippines, indicating encouragement of a Filipino proposal for ultimate Japanese ascendency in the islands, and states that the matter invites rigid investigation and proper discipline by the Imperial Government against the said Consular officer, I hastened to state in my note of the 7th, January last, that the Imperial Government were wholly unaware of the fact as stated in Mr. Buck's note and that, while they could not permit themselves to believe that a member of the Imperial Consulate should have ever had any intercourse with the insurgents, they would at once institute full investigation on the matter and make further reply when the result of such investigation was known.

On the receipt of the note above mentioned, I instructed the Japanese Consul at Minila to investigate the matter, and then having recalled Mr. Hojo Taiyo, the Chancellor who was in charge of the Japanese Consulate at Manila in October last and thenceforward continued to serve under the Japanese Consul residing there, and having subjected him to a close and careful

examination,

examination, the facts substantially as follow have been brought to light:

I. Chancellor Hojo had an interview with Trias, which took place on the IIth of October last, and which was the only one he ever had with the Chief.

2. The above interview occured in a village which the said Chancellor visited on his way back to Manila from a trip to Cavite, and in which village he accidentally met Trias in no other capacity than a mere traveller, having been spontaneously introduced to the Chief by an acquaintance of his fellow traveller. The interview was not asked for by Hojo. It was merely an episode having no prospective or retrospective significance.

3. During the interview Chancellor Hojo conversed with the Secretary of Trias from the beginning to the end, Trias himself merely listening. In this conversation the only point that is believed to have probably given rise to the charge as mentioned in the United States Minister's note, is a passage in which Trias' Secretary expressed an opinion which he stated to be that of the Chief himself. The Secretary said: " We regret to say that, under present circumstances, we are "in want of arms and ammunition and will not therefore be able "to give much trouble to the American troops. However, should "we be provided with arms and ammunition enough to put 5000 to "IOOOO of our men in motion, it would be an easy task for us "to drive away the American troops from these Islands within "the space of a few months, and to eventually get our indepen-"dence acknowledged. It is Japan only, we believe, that we may "depend upon for supplies of arms and ammunition. Consequ-"ently, if Japan renders us assistance in this direction, we "wil concede to her permanently the right of establishing a "coaling station, the freedom of trade and the right of build-"ing railways." As then the Secretary inquired of Chancellor Hojo what attitude Japan would take in this matter, the latter

answered

answered to the effect that he had no authority to make any reply, but that, in his private opinion, Japan would find it absolutely impossible to entertain such proposal and to render any assistance to the insurgents. The Chancellor further stated that it would be unwise for the insurgents to offer any resistance to America.

4. It is assumed by Chancellor Hojo that, had the circumstances of the interview and the conversation on the occasion been exaggerated and spread broadcast, it could not have been but intended by the insurgents to stir up by such devises the courage of their partisans in view of the close proximity of the Presidential election in the United States.

These are the essential points inthe report Chancellor Hojo has submitted in reference to the matter in question. It would be therefrom seen, not only that the Chancellor did not encourage the proposal for placing the Philippines under Japanese ascendency, but that the statement in the record referred to in Mr. Buck's note that the Chancellor expressed certain desires of Japan, was exactly the reverse of the fact, and that it was the insurgents themselves who communicated to the Chancellor their views upon the subject.

The facts being as stated above, it is with satisfaction that I am enabled to reply to you definitely that the Japanese Consular officer in Manila did not ever enter into such relation as stated in the United States Minister's note, with the insurgents in the Philippines. At the same time I beg to inform you that I have decided to transfer Chancellor Hojo to another post, as while the facts that have led to the charge are ascertained to have been much misrepresented, it is deemed to be not at all agreeable in consideration of the friendship existing between Japan and the United States that the officer who has once been laid under such a grave charge as mentioned in Mr. Buck's note, should be allowed to remain in the post where

the

the matter in question had its origin.

Accept, Sir, the assurances of my highest consideration.

Signed: Kato Takaaki,

Minister for Foreign Affairs.

UNITED STATES LEGATION,
TOKIO, JAPAN.

DIPLOMATIC,

APR 3 1901

BUREAU.

INDEX BUREAU
RECD.
APR 3 '01
DEPT. OF STATE

No. 545.

March 12, 1901.

2D ASSISTANT SECRETARY,
Copy to the Librarian of Congress, inviting his attention.
Ack APR 3 1901

Sent as
to Lib. of Congress.
June 5.
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Ans again
after 15
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Mr. Wilson

to the Secretary of State.

Subject:

Copyright.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.545. March 12, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to confirm the Department's cipher telegram received the 22nd ultimo, reading:

"Washington, February 21, 1901.

"American Chargé, Tokio.

"May continue to advocate copyright arrangement.

"Hill."

Accordingly, (refefring to my dispatch No.541 of February 20th),during the interval until the Minister for Foreign Affairs should be prepared fully to discuss the subject,—an interval lengthened by the existing conflict between the Government and the House of Peers,—I continued, by means of three interviews with the Vice Minister, to advocate a copyright arrangement.

On the 7th instant, the Minister for Foreign Affairs at length stating his preparedness to enter more fully into the discussion of copyright, I had with him a long conversation.

Finding evidence of a disposition to continue, as formerly, on behalf of the Department of Education, under which copyright matters are said to be, to deny to Americans the protection of copyright to which justice entitles them, I deemed it necessary more strongly to present the matter.

Herewith I have the honor to enclose a copy of my note No. 267, dated March 11, formally requesting, on behalf of the United States Government, that the Japanese Government agree to make a convention securing to both nations national or most favored nation treatment in copyright.

The enclosure indicates the points touched upon in my interview with Mr. Kato, excepting that he actually spoke of the possibility

possibility of changing the law so that for Japanese, as well as for foreigners not protected in copyright by treaty or convention, first publication in Japan should be necessary!
After remarking upon the injustice of altering the relative position of Americans in so extraordinary a manner as that suggested,—one would suppose it can hardly have been seriously,—I reminded the Minister that it was a convention, which, under instructions, I had from the first been advocating.

Confidential.

I anticipate final success in this matter.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosure:—

Mr. Wilson to Mr. Kato, March 11,—copy.

Enclosure with Mr Wilson's No 545 March 12, 1901.

No.267.

Legation of the United States,
Tokio, March II, 1901.

The undersigned Chargé' d'Affaires of the United States had the honor, last month, to state to His Excellency His Imperial Japanese Majesty's Minister for Foreign Affairs the proposition of the United States Government that a copyright convention be concluded between the United States and Japan. Since then he has had three conversations with Mr. Uchida, the Vice-Minister. On the 7th instant he had the honor more fully to discuss the subject with His Excellency the Minister. Referring to those conversations, from which the undersigned entertains the expectation that the wishes of his Government will be met in this matter; and deeming it now advisable to set down in writing the considerations to which he has had the honor to draw His Excellency's attention, the undersigned Chargé' d'Affaires of the United States has the honor to invite the attention of His Excellency His Imperial Japanese Majesty's Minister for Foreign Affairs to the following:

The Government of the United States of America desire to make with the Government of His Majesty the Emperor of

Japan

Japan a reciprocal arrangement by which citezens of the United States and subjects of his Majesty the Emperof of Japan shall enjoy in both countries full protection for their literary and artistic property.

The Government of the United States has copyright arrangements according reciprocal national treatment with France, Great Britain, Germany, Switzerland, Italy, Denmark, Portugal, Spain, Mexico, Chili, Costa Rica, the Netherlands, and others.

The Imperial Japanese Government have, by joining the Berne Convention of I886, extended full copyright protection to all the signatory Powers of that convention.

Moreover, quite irrespective of the Berne Convention, by Article XI of their treaty with Switzerland, the Imperial Japanese Government have extended national treatment in copyright, reciprocally, to Swiss citizens.

From these facts it is evident that the two Governments hold in common that high principle of justice upon which it is their aim to protect writers and authors in the enjoyment of their literary and artistic property.

In that Article XXVIII of the Copyright Law of Japan provides that foreigners, if their copyright protection be not specially determined by a treaty, shall enjoy the protection of

of the law only upon the condition of first publication in Japan, the circumstances for reciprocal national treatment between the United States and Japan do not, immediately, exist.

Happily, however, Article XXVIII above referred to clearly contemplates the removal of any nationality from the category to which the condition of first publication in Japan applies, by means of a treaty or convention between Japan and the Government of that nationality, the conclusion of which, ipso facto, makes that condition inapplicable,- as it is also in the case of Japanese subjects, and of the citizens or subjects of the very great number of Powers to which the full protection of the Japanese Copyright Law is now extended by treaty or convention .

It may be mentioned that the German copyright law extends its protection to foreigners upon the condition of their works' being published by editors having their commercial residence in German territory, and thus presented a similar and corresponding obstacle to immediate reciprocal national treatment between the United States and the German Empire. The German Government readily obviated the difficulty by concluding with the United States the convention of 1896, securing reciprocal national treatment in copyright to the citizens and subjects of the

the United States and of the German Empire.

It is evident that such a convention between the United States and Japan would remove the difficulty in this case. And it cannot be doubted that the desirability of terminating the present inequitable situation, by concluding such a convention, will at once appeal to the recognized high sense of justice of the Government of His Majesty the Emperor of Japan.

It is hoped that the arrangement suggested will be considered on broad principles of international justice, although its equity can equally be maintained from other points of view.

If any question of the equivalence of the quid pro quo should possibly suggest itself, it may be noticed as a significant fact that all the above Powers, many of them signatories of the Berne Convention, and some of them having vast literary intrests in America, have considered as satisfactory in return for national treatment in their dominions the treatment now offered to Japan by the United States.

Further, in touching upon the general matter of quid pro quo, Japan's convention of April 26, 1900, with Great Britain may, among other conventional arrangements, be noted. That convention, in reciprocally providing for the administration by British consular officiers of the estates of British subjects

subjects deceased in Japan, changes the application of Japanese law to British subjects in important matters of property. It is evident that, owing to the comparatively very large number of British subjects resident in Japan, in this case the actual value of the convention to the two countries is far from equal. The same may be said to a greater or less degree of the corresponding arrangements reached with Germany, Belgium and others.

Again, by the convention which has just been concluded, Japan is to extend to Spain most favored nation treatment as to the tariff, thus modifying the revenue laws (certainly laws of the highest authority) in favor of that country.

Further, it is observed that the fact that Germany is not a party to the convention of 1883, to which Japan is a signatory Power, has not been permitted to deprive German industrial property of protection in Japan, such protection having been amply afforded by Sec. 4 of the Protocol sighed at Berlin on April 4, 1896. Thus such differentiation as is now complained of by the United States in the matter of copyright was removed in the case of Germany in a matter of equal importance to that country.

That

That the Government of the United States took a foremost part in facilitating and hastening treaty revision is no doubt remembered. Their evident motives in pursuing that course and in signing their treaty,- a treaty without a tariff,- at so early a date were of course such as to preclude the possibility of delaying to provide for every detail. These circumstances, as also Articles I and XIV, and, indeed, the whole spirit of the treaty of 1894, show beyond a doubt and amply justify the American Government's confident expectation that they could rely upon the Imperial Japanese Government to extend to them, at the least, no less favorable treatment than might be extended to any other Power. And it would be a source of great regret and disappointment to the Government of the United States should it be found that the United States, alone among all the Powers, is the only Power to which copyright protection is refused by the Imperial Japanese Government.

The undersigned Chargé d'Affaires has the honor to request, in the name of the Government of the United States of America, that the Government of His Majesty the Emperor of Japan agree to conclude a convention securing to the citizens and subjects of the two countries reciprocal national or most favored nation treatment in copyright.

Having

Having indicated above some of the facts which lead him to transmit this very just request of his Government's in the fullest expectation that it cannot but be willingly granted, the Chargé d'Affaires of the United States avails himself of this occasion to renew to His Excellency, His Imperial Japanese Majesty's Minister for Foreign Affairs the assurances of his highest consideration.

(Signed) Huntington Wilson.

UNITED STATES LEGATION,
TOKIO, JAPAN.

APR 6 1901

DIPLOMATIC BUREAU,

INTERBUREAU RECEIVED APR 8 '01 DEPT. OF STATE

No. 546. March 16, 1901.

DEPT OF STATE
APR
9
1901
2ND ASST SECRETARY

To Navy Dept. since re

Japan and
Do Navy Dept.
Apl. 15
C

Mr. Wilson

to the Secretary of State.

Subject:

Exemption from income tax of officers and men on duty at the U. S. N. Hospital at Yokohama.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 546. March 16, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

As appeared from Mr. Buck's Nos. 444 of June 29, and 453 of July 19, and the Department's instructions Nos. 299 and 303 of July 27 and 31, 1900, the officers and men on duty at the United States Naval Hospital at Yokohama have been , informally, exempted from the payment of income tax.

I now have the honor to enclose herewith copy of a note from the Minister for Foreign Affairs in which, in answer to Mr. Buck's note of last June, he gives the reply of the Minister for Finance, who, while denying the right of exemption under the Income Tax Law, and reserving the question as unprejudiced for the future, states that the exemption will be continued for the present,—upon condition that in case the Japanese Government establish a hospital of a similar description in the territory of the United States, the officials thereof be exempted from income tax.

I have the honor to be,
Sir,
Your obedient servant,
Huntington Wilson.

Enclosure:

Mr. Kato to Mr. Wilson, March 14, 1901,—copy.

Enclosure No. — with Mr. Wilson's No 546 of March 16, 1901.

Translation No. 7.

Department of Foreign Affairs,

Tokio, the 14th March 1901.

Huntington Wilson Esqre.,

Charge' d'Affaires

of the United States of America.

Sir:

In reference to Mr. Buck's note of the 25th, June last addressed to my predecessor, in which His Excellency suggested that the surgeons and enlisted men assigned to duty at the United States Marine Hospital at Yokohama be exempted from income tax by the Imperial Government, I beg to state that I am now in receipt of a reply from the Minister for Finance, to whom the matter was referred by my predecessor. The Minister for Finance therein states to the effect that Article V, paragraph I of the Income Tax Law of Japan quoted by Mr. Buck in the note above mentioned cannot apply to persons in the Armies and Navies of foreign countries, and therefore it is impossible to definitely foretell whether or not the exemption may be invariably continued in the future, but that, in view of the fact that the surgeons and men have no business or occupation other than their official duties, and upon condition that in case tha Imperial Government establish a hospital of a similar description in the territory of the United States, the officials thereof shall be exempted from the income tax of the United States, steps will be taken so that the surgeons and enlisted men connected with the said hospital at Yokohama may enjoy the exemption from the income tax at least for the present, without prejudice to any future action.

Accept Sir, the assurance etc.,

( Signed ) Kato Takaaki,
Minister for Foreign Affairs.

UNITED STATES LEGATION,
TOKIO, JAPAN.

RECEIVED
APR 9 1900
BUREAU OF ACCTS. DEP. OF STATE.

No.547.

March 18, 1901.

INDEX BUREAU
RECD.
APR 8 '01
DEPT. OF STATE

Mailed
PASSPORT DIV.
APR 9 1901
DEPT. OF STATE

Mr. Wilson

to the Secretary of State.

Subject:

Acknowledging receipt of instruction No.337, February 2, in re issuance of passports.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 547. March 18, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of instruction No.337 of the 2nd ultimo, calling attention to the fact that the application made at the Consulate General at Yokohama upon which passport No.145 was issued from this legation on July 19 last to Hugh Gunn does not show that Mr. Gunn produced a certificate of naturlization, as required by the rules.

While the Department's desire to deal broadly with questions affecting the rights of Americans sojourning in the Far East, mentioned in instruction No.279 of March 21, 1900, will be borne in mind, the text of applications will hereafter be more closely scrutinized.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

UNITED STATES LEGATION,
TOKIO, JAPAN.

DIPLOMATIC BUREAU
APR 6 1901

INDEX BUREAU
APR 8 1901
DEPT. OF STATE

No. 548.

March 19, 1901.

DEPT OF STATE
APR
9
1901
2ND ASST SECRETARY

DIPLOMATIC BUREAU.
To Treasury Dept
referring to last
correspondence
on this subject.

Mr. Wilson

to the Secretary of State.

Subject:

Interpellation in Diet about sanitary discrimination at San Francisco.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 548. March 19, 1901.

325-10/18 to Japan
469 - 8/13 to Sec'y
Sec 8/25 " "
450 8/25 " "
7/31/1900 to Treas to Japan
enclosing 445

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

In July and August last Mr. Buck sent dispatches on the subject of the discrimination alleged by the Japanese Government to have been practiced at that time against Japanese subjects in virtue of local sanitary measures at San Francisco and in Colorado.

I have the honor to inform you that on February 16th an interpellation was introduced in the Lower House, containing the following:—"What protest has the Government entered in connection with the enforcement in San Francisco of a stringent and arbitrary quarantine in May last on Japanese and Chinese, with consequent great loss to them; and what future assurance has the Government demanded?"

The Government replied:—'That, on receipt of the news of the occurrence in question, they at once lodged with the Federal Government of the United States a protest against the doings of the local authorities and sought a proper rectification of the matter. And further, that they were then in negotiation with the United States Government with a view to preventing in future similar occurrences.'

I report this as showing that the alleged discriminatory application of local sanitary measures in the United States made an impression in this country, although mention of it in the Diet on that occasion may have been partly due to internal politics. The introducer, however, who subsequently also called upon the Minister for Foreign Affairs to discuss the subject, expressly disavowed

avowed all party motives.

The interpellation also contained questions as to discrimination against Japanese by the recent immigration law, which by the nature of its provisions indirectly excludes them, to a great extent, from British Columbia; and as to discrimination in levying a poll tax and cattle tax upon Japanese and Chinese only in Saigon, Tonquin, etc.

To these questions the Government replied, in effect, that those territories not being covered by the treaties, nothing could be asked as a right; that in the one case, by direct negotiations with the Canadian Government, an endeavor was being made to get the law repealed on grounds of comity; and that in the other case, if the discrimination were found to exist, steps would be taken on the same grounds.

Of course the Japanese are very sensitive about any less considerate treatment they receive, as Asiatics.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 549. March 25, 1901.

ASSISTANT SECRETARY
APR 24 1901
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D
APR 23 '01
DEPT. OF STATE

DIPLOMATIC
APR 25 1901
BUREAU.

Ans. Apl. 30

Mr. Wilson

to the Secretary of State.

Subject:

Affray at Kyoto; Major Mulford, U.S.V., claimed damages.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 549. March 25, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to enclose herewith copy of a dispatch from Mr. Lyon, U. S. Consul at Kobe, transmitting papers relating to an assault committed at Kyoto upon Major H. B. Mulford, 39th Infantry, U. S. V., and upon Mrs. Mulford, together with a suggestion that a claim for damages on behalf of Major Mulford be presented by me to the Japanese Government.

I have the honor to enclose, also, copy of my reply to the Consul, in which it is pointed out that this claim could not, without instructions, be acted upon by the legation.

The fact that Major Mulford has left Japan, together with the desirability of the matter's being once for all terminated, has given my communication to the Consul much greater detail and length, perhaps, than necessary.

The circumstances and nature of the affray are, I think, quite clear from the enclosures. My opinion that no grounds whatever exist for a claim against the Japanese Government, with other considerations of the affair, are set forth in the second enclosure.

Although it seems to call for no official action, I have thought proper to report this affair for the information of the Department, in view of the possibility of its coming to their notice in some of its aspects only through other channels.

I have the honor to be,
Sir,
Your obedient servant,
Huntington Wilson.

Enclosures:
1. Mr. Lyon to Mr. Wilson, with nine sub-enclosures,-copies.
2. Mr. Wilson to Mr. Lyon March 23,—copy.

Enclosure No. 1 with Mr. Wilson's No. 549 of March 26, 1901.

No. 1737.

CONSULAR SERVICE, U.S.A.

Consulate of the United States,

Hiogo(Kobe), March 13th, 1901.

Huntington Wilson, Esquire,

Charge' d'Affaires ad interim,

United States Legation,

Tokio.

Sir:-

I have the honor to enclose herewith copies of correspondence relating to a recent assault made by certain coolies in the City of Kyoto, upon Major H. B. Mulford of the 39th Infantry, U. S. Volunteers, and upon his wife.

The same are transmitted by me at the request of Major Molford, who being unwilling to accept the conclusion of Governor Takasaki in the premises, desires his complaint referred by you to the official at Tokio having jurisdiction in such matters.

This I would thank you in behalf of Major Mulford to do, provided such action would commend itself to your judjment.

I have the honor to be,

Sir,

Your obedient servant,

James S. Lyon, Consul.

Enclosures:-

1.- Copy of a telegram from Major Mulford, dated Feb.20, 1901.

2.- Copy of Major Mulford's communication to me, dated Feb. 21st, 1901.

3.- Copy of Major Mulford's sworn complaint of assaults, dated Feb. 21st, 1901.

4.- Copy of my communication to H.E., S. Takasaki, Governor of Kyoto Fu, dated Feb. 25th, 1901.

5.- Copy of my communication to Major Mulford, dated March 4th, I90I.

6.- Copy of Major Mulford's communication to me, dated March 7th, I90I.

7.- Translated copy of Governor Takasaki's reply to complaint, dated March 5th, I90I.

8.- Copy of my communication to Major Mulford, dated March 6th, I90I.

9.- Copy of Major Mulford's communication to me, dated March 9th, I90I.

COPY OF A TELEGRAM FROM MAJOR H. B. MULFORD.

:-

Shichijo, 20 - 2 - 1901.
1.15 p.m.

American Consul,

Kobe.

Violently assaulted japanese mob railroad station demand damages particulars tomorrow.

Major Mulford.

( COPY )

The Oriental Hotel, Lt'd.

-:-

Kobe, Feb. 2I, I90I.

To the American Consul,

Kobe, Japan.

Sir:-

I have the honor to state that while in Kyoto, Japan, Feb. 20, I90I, my wife and myself were set upon by a mob of Japanese, who attempted to rob and do bodily injury to us, a detailed sworn statement of which is hereby attached.

On account of the insults and injuries sustained by my wife and myself in this affair, by reason of the non-protection afforded us by the Japanese officials, I request that a demand on the Japanese Government be made for an indemnity of five thousand dollars gold for my wife and five thousand dollars gold for myself.

Very respectfully

( Signed ) H. B. Mulford,

Major 39th Infty., U. S. V.

( COPY )

The Oriental Hotel, Lt'd.

Kobe, Feb. 2I, I90I.

Being in Japan for my health ( as per attached order ) accompanied by my wife, I left Kobe by train Monday, Feb.I8, I90I, at 9.57 A.M. for Kyoto, Japan (having been told it was cold at that point, and not having any thick civilian clothing with me, wearing the blue fatigue uniform and overcoat, of my rank) arriving at Kyoto station shortly after twelve o' clock.

Outside of said station we took two jinrikishas for the Kyoto Hotel, reach-ing same in about twenty minutes, and the price of jinrikishas being twenty sen per hour, I gave each jinrikisha man, upon arrival at the hotel, ten sen (for twenty minutes) which they accepted. Shortly after, one of the hotel clerks(who spoke English) came to me and said the jinrikisha men wanted twenty five sen each, for although the rate was twenty sen per hour, the rate from the station to the hotel was twenty-five sen; upon my protesting against paying twenty-five sen each for twenty minutes, he said I could keep them for the afternoon for fifty-five sen each, and I told him I would do so, at which he told the jinrikisha men I wanted them for the afternoon, when they sent in the twenty sen given them and agreed to wait.

When ready to start half an hour later, both jinrikisha men had gone and upon inquiry, the hotel clerk stated ~~that~~ they had decided not to wait. I then engaged two jinrikisha men from the hotel for the afternoon(one of whom spoke English quite well and one of whom was No.I7) and upon return, paid each of them fifty-five sen, engaging them again for the following day.

Tuesday, Feb.I9, I90I,I had the same jinrikisha men all day

day, paying each of them one-yen upon return in the evening (the regular rate being ninety-five sen per day)and engaged them again for the following morning. Wednesday morning Feb. 20,I90I, the same jinrikisha men were employed from 9.00 until II.20,whenI dismissed them at the railroad station for Nara, paying each of them fifty sen and both of them expressed themselves well pleased with their employment and we had been well pleased with their services, and neither of them were in the crowd which attacked us later.

My wife and myself remained in the waiting room at the station until about II.30 A.M. when one of the railroad porters (who was quite tall, wearing a red cap)came up and said we could start for the train platform, as the train would leave in fifteen minutes; it being some distance to the train and being anxious not to miss it, as the cold disagreeable weather at Kyoto was a detriment, instead of a benefit, to our health, and we wished to reach Kobe via Nara before sundown, we started for the train at once, accompanied by the porter, carrying our hand luggage of one dressing case, one small satchel and one small package, packed in straw.

To board the train for Nara, it is necessary to walk from the waiting room a distance of about twenty-five yards to a wooden bridge, which spans the tracks, ascend about twenty-four steps, cross bridge about ten yards, descend twenty-four steps and then walk about fifty yards to the ticket gate of the train platform.

Immediately upon leaving the waiting room, a jinrikisha man approached me and began talking Japanese, but I paid no attention to him, supposing he was soliciting trade. My wife noticed a number of small groups of men standing around a short distance away but I thought nothing of it.

When about twenty feet from the steps leading to the bridge, the jinrikisha man(who had been walking along behind talking) put his hand on my arm, attempting to stop me at the same time, several others surrounded us.

I at once shook his hand off and pushed him away, when he again grasped my arm and four or five others took hold of me. Being entirely unarmed, in a foreign town, where but five Europeans reside, and none of the crowd understanding English, and

no policemen being in sight, I endeavored to keep my temper and remain cool and simply pushed them away, at the same time, proceeding slowly towards the train.

By this time, we had reached the foot of the steps and as soon as we began to ascend, a large crowd assembled on all sides of us, at least one hundred and eight or ten laid hold of my arms, legs back and wherever they could catch hold. Although not having my usual strength, by reason of ill health, yet through a knowledge of boxing and fencing, gained in Academic days, I managed by judicious use of elbows, arms, legs, etc. to slowly gain a passage for my wife and myself up the steps, until, nearly reaching the top, one of the Japanese, who seemed to be the leader, attempted to grasp my throat, when I considered it time for more effective measures and I landed a blow on his face with my left fist that brought blood from his lips and nose, knocking him back about six feet into the crowd, at the same time, giving another good blow on his jaw with my right and grasping a third with my left hand, I twisted his arm almost out of joint, all of which caused a momentary lull in the attack and enabled us to reach the top of the steps, but while crossing the bridge, the crowd(which by this time had grown to at least three hundred)closed in again and attempted to seperate my wife and myself.

One of them grasped my wife's arm, when she (being perfectly cool, for the time being, through experience gained by many exposures to danger at various points in the interior of Luzon the past year and having also some knowledge of boxing) immediately struck him a good blow in the lowerjaw with one fist and struck another in his ribs with her other fist, at the same time using her elbows to good advantage; during this time I was using my arms, elbows and fists as well as possible,

and

and being considerably teller than the Japanese, in spite of the large attacking party, numbering at least twenty who were attempting bodily injury, we worked our way across the bridge, down the steps and almost to the ticket gate, but the time consumed had been over fifteen minutes, so that, by this time, the train had gone. The effective defense put up by us had somewhat cooled the ardor of the mob by this time, but during the entire fifteen minutes of the conflict, not a policeman appeared or was in sight, in spite of repeated calls from time to time, nor was any attempt made by any of the railroad officials, although some saw the attack, to render any assistance.

Finally, when near the train gate, still surrounded by the mob, but who were now keeping beyond arm's length, a policeman (who spoke some English) sauntered up, at which some of the crowd attempted to take hold of me, yet the policeman made no attempt to stop them, but advised me to pay the man who had his face and hands covered with blood, sixty sen "to smooth it over", he said, as some in the crowd had begun to call "money". I immediately demanded that he arrest those who had assaulted us and take us to the highest Japanese officials in Kyoto, that we could make a complaint, but he made no effort to do anything until after repeated threats to report the outrage to the Emperor, when he took us over to a police captain, (whoes office was opposite the railroad station), together with the man with the bloody face, who had been the leader of the attacking party and whoes name the policeman said was Iwamatsu Taniguchi, No. 246 of the Kioto Shichigo station, Jinrikisha Association.

After stating the facts to the Police captain through the policeman (the Captain not speaking English) we were calmly informed that he was sorry the men had been a little rude and he would fine the leader fifty sen, which was all that could be done about it and we could go.

We were shown no courtesy by the officials, not even asked

to

to sit down, although naturally exhausted and were comlelled to return to the railroad station and sit in the cold waiting room, with no luncheon, for one and a half hours, waiting for the next train ai I.45, both catching severe colds. I at once sent the following telegram "American Consul, Kobe. Violently assaulted by Japanese mob railroad station. Demand damages. Particulars tomorrow. Major Mulford"

On account of this attack, we could not leave until I.45 P.M. reaching Nara at 4.IOP.M. by which time it was raining and did not arrive at Kobe, until 8.IOP.M. Feb. 20, I90I, having suffered severely from the cold en route and being sick and exhausted.

Both my wife's and my clothing were torn by the mob, our feet were trampled upon and bruised, arms and wrist back strained, our nervous systems both received severe shocks, both caught severe colds(both being already in poor health and compelled to travel for it, it may cause serious results to one or both) in addition to the outrage and insult to ourselves and to the nation we represent, all caused through the neglect and inefficiency of the Japanese officials of Kyoto, whoes business it is to protect any person travelling through their country.

( Signed.) Harry B. Mulford,
Major 39th Infty., U. S. V.

Subscribed and sworn to before me
this 2Ist day of February, I90I.

[ CONSULAR SEAL, OSAKA & HIOGO JAPAN. ]

( Signed.) Samuel S. Lyon,
Consul of the United States.

( over )

( COPY )

HEADQUARTERS DIVISION OF THE PHILIPPINES.

SPECIAL ORDERS

No. I4.

Manila, P.I., January I5, I90I.

( Extract.)

* * * * * *

I7.- Leave of absence for one month, on surgeon's certificate of disability, with permission to visit Japan, and to apply for an extention of one month, is granted Major Harry B. Mulford, 39th Infantry, U. S. Volunteers,

* * * * * *

BY COMMAND OF MAJOR GENERAL MAC-ARTHUR:

S. D. STURGIS,

Assistant Adjutant General.

OFFICIAL:

( Signed.) F. W. Harris, A. D. C.

No. 1719.-( COPY.)

CONSULAR SERVICE, U. S. A.

Consulate of the United States,
Osaka & Hiogo, Japan.

Hiogo(Kobe), February 25th, 1901.

Sir:-

I have the Honor to enclose herewith a copy of a communication addressed to me by Major Harry B. Mulford of the 39th Infantry, United States Volunteers at Manila, P. I., together with his sworn complaint, that while at Kyoto on the twentieth day of February instant, both himself and wife were set upon and attacked by a mob of coolies at a railway Station in that City, who attempted to rob them, and did do to them bodily harm. Mrs Mulford is now confined in bed at the Oriental Hotel in this City, consequent upon this shock to her nervous system.

I beg to transmit to you the papers in the case, and very respectfully request that the matter be placed by you before the proper officials, and that I may be promptly informed in behalf of Major Mulford, what further steps he should take in the matter.

I have the honor to be,

Sir,

Your obedient servant,

( Signed ) Samuel S. Lyon

U. S. Consul

His Excellency

S. Takasaki,

Governor of Kyoto-Fu.

No.1732.-( COPY.)

CONSULAR SERVICE, U. S. A.

Hiogo(Kobe), March 4, 1901

Major H. B. Mulford, 39th Inf., U. S. V.,

Yokohama, Japan.

Dear Sir:-

I have the following to communicate to you relative to the papers sent to Kyoto concerning the assault made by coolies in that City upon yourself and wife: viz.; A person representing himself to be Mr. T. Tomeoka, Inspector of the Kyoto Police Department, called upon me with an interpreter late on Saturday afternoon last, and produced a long written statement of the affair, but as he had no translation of it, I could learn but little of its real character.

I had a long conversation with him about this matter, during which he wished me to especially note that it was, as he said, quite impossible for the Police Authorities to aid you at the time of the assault.

To sum it all up, after two hours talk perhaps, he came to this point: viz.; that the Police Authorities would be quite willing to open up the case with a view to the proper punishment of the offenders, if found guilty, but that the question of damages was quite outside of their province.

They seemed to regret the occasion very much, were profuse in apologies and asked a great many pardons, and also if I would use my best endeavor for as easy a settlement as possible; but ended every time, by saying there could be no money damage collected without reference of the whole matter to the Foreign Office at Tokyo.

I

I represented to them your position as I understood it when you were at my office, and the Inspector then wished me to communicate with you in reference to the question of your complaint being forwarded to Tokyo, and said that should you so request, it would be at once sent there. He said he hoped, however, that the matter need not be referred to the Central Government.

He is now awaiting your instruction in the matter, which upon receipt, I shall be pleased to communicate to him.

Respectfully yours,

( Signed ) Samuel S. Lyon

Consul.

( COPY.)

GRAND HOTEL, LTD.

Yokohama, 3/7 1901.

Samuel S. Lyon, Esq.,
U. S. Consul,
Kobe, Japan.

Dear Sir:-

Your favor of the 4th inst. regarding the visit of Mr. T. Tomeoka, Inspector Kyoto Police Dept. and his conversation with you in regard to the settlement of the claim resulting from the assault upon my wife and myself at Kyoto at hand.

If the money damages cannot be settled by the authorities at Kyoto, kindly request that the claim be forwarded to the Central Government at Tokyo.

As the result of this assault, my wife has been confined to her room since leaving Kobe, both on the steamer and in Yokohama, and has been under treatment at the U. S. Naval Hospital here since arrival, being visited daily by a surgeon and we have both been prevented from visiting Tokyo, or any point of intrest in this vicinity and are still unable to do so.

Thanking you for your courtesy in the matter, I remain,

Yours truly,

( Signed ) H. B. Mulford,
Major 39th Infty, U.S.V.

( Translation )

No. IO. (Copy)

Kioto Fucho,

Kioto, March 5, I90I.

Sir:-

I have the honor to acknowledge the receipt of your communication dated February 25, I90I, together with sworn complaint made by Major Mulford of the 39th Infantry, United States Volunteers.

Upon investigation in the matter I find that:-

On February I8, I90I, Major & Mrs. Mulford arrived at Kioto at 2.25 o'clock P.M. train- They hired two jinrikishamen waiting at the Station, viz: Umekichi Yamamura and Iwamatsu Taniguchi and lodged at ~~the~~ Kioto Hotel- Mr. Mulford paid IO - Sen each to them- Jinrikishamen asked 25 Sen each- Mr. Mulford having refused to pay it they returned the money(IO Sen each) to Mr. Mulford. On February 20th at II. IO o'clock A.M. Mr. Mulford left Kioto Hotel with Mrs. Mulford, in jinrikisha of Komajiro Araki and Tamejiro Hasegawa for Nara R. R. Station- These two jinrikishamen called the attention of Umekichi Yamamura and Iwamatsu Taniguchi who took Mr. & Mrs. Mulford from Kioto Station to Kioto Hotel, to demand the payment of the jinrikisha hire- They(Yamamura and Taniguchi) then followed Mr. Mulford with the intention of demanding the payment of jinrikisha hire due them (but not a slightest intention of contempt) When Mr. Mulford was passing a bridge near Station they called him back saying moshi moshi( I say ) and asked the payment of jinrikisha hire in Japanese language, which did not make Mr.

Mulford

Samuel S. Lyon, Esquire,

Consul of the United States,

Kobe.

Mulford understand- They then stood up at the front of Mr. Mulford with the intention of blocking up the road and bring some one who can interpert between them. Mr. Mulford tried to get out of the way and they wanted to stop him- This made Mr. Mulford angry and struck the face of jinrikisha man with his hand, which caused trouble between him and the jinrikisha man- ( it is mentioned in Mr. Mulford's statement that he was attacked by hundreds of people, but no one disturbed him except jinrikishamen above referred to- although there were some crowd assembled)! The police authorities were not there at the time- Upon information received at the Shiwokoji Police Station, Risaku Sudzuki, a police-man, at once went to the place and saw one of the jinrikishamen slightly wounded at ~~the~~ his nose- Upon inquiry he found that jinrikishamen demanding ~~the~~ his payment of jinrikisha hire and Mr. Mulford said he had already paid- ahd it was clearly understood that the trouble had occurred owing to their being unable to understand their language each other. The police-man then wished to accompany both parties to the Police Station and reported the matter to the Superintendent of the said Station- Although the statement of both parties contradicting each other, there being no time to ascertain the fact, the Superintendent trusted the statement of Major Mulford, wearing uniform coat, and rejected the claim of the jinrikisha men- He ( the Superintendent of Police) then told Mr. Mulford that the trouble was simply originated to wanting of understanding languages each other, and also to their mis-apprehending- that the jinrikishamen had not a slightest intention of contempt or attacking him- that as to the action of the jinrikishamen, leave it entirely in the hands of the Superintendent, and it was unnecessary for him to pay the money for jinrikisha hire- Mr. Mulford consented to and left the Station. The Superintendent of Police further reported to me that he has protected Mr. Mulford with his police

man

man until he gets in the Nara R. R. car- Upon further investigation it was found that Umekichi Yamamura and Iwamatsu Taniguchi or any one else connected in the matter had not received the jinrikisha hire claimed by them.

It is evident, from the investigation made, that the jinrikishamen's action was simply for the purpose of demanding the payment of jinrikisha hire due to them, not having however a slightest intention of contempt Mr. Mulford. The trouble was principally originated to the wanting of understanding the languages each other, which injured the feeling of Mr. Mulford.

The above being the fact I beg to state that no further steps can be taken at this office as regards the claim of Mr. Mulford.

I have the honor to be,

Sir,

Your obedient servant,

( Signed ) S. Takasaki

Governor of Kioto Fu.

No. I733.- ( COPY )

CONSULAR SERVICE, U. S. A.

Hiogo (Kobe), March 6th, I90I.

Major H. B. Mulford,
39th Infty., U. S. V.
Yokohama.

Sir:-

In addition to my letter sent you Monday evening relative to your matter at Kyoto, I beg to inclose herewith the reply just received from H. E. the Governor of Kyoto Fu, relating to that subject.

I shall be at your service should you desire to take further proceedings in the matter.

Very respectfully,

( Signed.) Samuel S. Lyon
Consul.

( COPY )

GRAND HOTEL, LTD.

Yokohama, 3/9 1901.

Hon. Samuel S. Lyon,
U. S. Consul,
Kobe, Japan.

Dear Sir:-

Your favor of the 6th inst. enclosing translation of a letter from H. E. the Governor of Kyoto Fu, relating to his investigation of the Kyoto affair, which I herewith return.

The sworn statement left with you is a true statement of the affair: the letter from the Governor is full of misstatements.

For example - he states we "arrived at Kyoto at 2.25 P.M. train" when the facts are we left Kobe 9.57 A.M.arrived Kyoto about 12.30, had been to Kyoto Hotel, visited our room, dressed for luncheon, took luncheon and left the Hotel to visit shops before 2.25 P.M.

Again he states "on Feb. 20th at 11.10 A.M. Mr. Mulford left Kyoto Hotel, etc."- the facts are we left hotel at 8.45 A.M. visited some shops, visited some silk factories, rode to Prison, Castle, Emperor's Museum, visited the Higashi temple, also the Cyclorama(Battle Japanese-Chinese War), rode to the Palace, and reached Nara station at 11.20 A.M.

I merely quote these few facts to show that the Governor knows nothing about the facts of the affair, so kindly have the claims referred to higher authority, and oblige,

Yours sincerely,

( Signed.) H. B. Mulford,

Major 39th Infty., U. S. V.

Enclosure No. 2 with Mr. Wilson's No. 549, March 25, 1901.

No. 502.
Confidential.

United States Legation,
Tokio, Japan, March 23, 1901.

To Samuel S. Lyon, Esquire,
United States Consul,
Kobe.

Sir:

I beg to acknowledge the receipt of your dispatch No. 1737 of the 13th instant, with which you transmit to me copies of correspondence relating to an assault committed in Kyoto upon Major H. B. Mulford, of the 39th Infantry, U.S.V., and upon Mrs. Mulford, of Major Mulford's sworn statement as to the facts, and of his request, addressed to you, that a demand be made upon the Japanese Government for an indemnity of $5000. gold each for himself and for Mrs. Mulford,- which claim, as I understand, it is desired that I present to the Japanese Government.

In reply I have to inform you that, without specific instructions from the Secretary of State, this claim for damages could not be presented to the Japanese Government through the legation.

By the next mail, copies of the papers in the affair which you were good enough to forward me will be transmitted, with a copy of the present communication, to the Department of State.

I may mention my opinions in the matter, formed after careful consideration of the papers,- some of the substance of which may be of use in your further reply to Major Mulford.

It is a generally recognized principle that a Government cannot always secure either its own citizens or others against violence due to individual malice or to sudden popular tumult; and that in such cases a foreigner must share the same redress as is offered by law to the citizen, if the courts are equally

open

open to both. Even if Major Mulford had been fully in uniform, the principle would not, I believe, be affected, - unless an attack had been made upon him especially as an officer of the United States Army.

Unless the Japanese authorities were responsible,-- that is were in a position to prevent or interrupt the assault, and failed to do so,--there appear to be no grounds for a claim for damages against them. Since there was no policeman present, there was no positive neglect or inefficiency. Unless there was, from past experience or other cause, reason to consider the Kyoto-Nara Railway station in Kyoto an especially dangerous place, it cannot be maintained that the Japanese authorities were bound to have a policeman on duty there.

There are no courts of claims in Japan. The administrative courts only revise administrative acts. There is no law of claims. Branches of the Government may be sued in the ordinary courts, the forum depending on the location of the branch of the Government to be sued. Such a suit would be entertained or not, according to the court's opinion of the merits of the case.

The Kyoto-Nara Railway is a private one. Its station, although in the same neighborhood as that of the Tokaido (Government) Railway, belongs to the Kyoto-Nara Railway Company, and the officials and servants on duty there are employees of that Company. The Government Railway Administration has only a voice in the general policy of the private railways,--as to rates etc. --but has no responsibility as to their station arrangements etc. .

Since Major Mulford was in the Kyoto-Nara Railway Company's station for the purpose of travelling on their lines, he no doubt was, to a certain extent, under that Company's protection. The failure of the company's officials to attempt to assist Major Mulford might perhaps furnish grounds upon which he could bring suit for damages against the company.

In

In fining the leader of the assault 50 sen, the police appear to have imposed the punishment of the Criminal Law, Book IV, Article 425, Sub-Section 9 (fine of 1 yen to 1.95 yen) for striking a person without wounding him, mitigated according to Book III, Section 3, Article 310,--on the ground that two persons came to blows and that it cannot be told who was the aggressor.

It appears that the Inspector of Kyoto Police stated, when he called upon you, that the Police authorities would be quite willing to open up the case with a view to the proper punishment of the offenders, if found guilty. Inasmuch as prescription of public action is acquired by the lapse of not less than six months in case of a contravention of police regulations, and of not less than three or six years in case of a misdemeanor or felony, adequate punishment might be brought about,--according to such evidence as Major Mulford might lay before a Kyoto court. For instance, if he should prove that the injury inflicted came under Book III, Section 3, Article 301, the penalty provided is one to three years for one who, by assault and battery, incapacitates another for work for more than twenty days, of one month to one year if for less than twenty days, of eleven days to one month if the other is injured without being incapacitated .

As you are doubtless familiar with Kyoto, you will agree with me that 25 sen is quite a moderate fare, even for a Japanese, for the course of about 2½ or 3 miles from the railway station to the Kyoto Hotel. Of course jinrikisha-men in Japan, like cab-drivers the world over, have one rate of effort (and correspondingly of fare) for work by the course, and another for work by the hour. It is natural that those jinrikisha-men were unwilling to include in a subsequent arrangement by the hour or afternoon, so hard a course as that between the station and the hotel.

From experience with the Japanese, and with the particularly peaceful Kyoto people, I think it practically certain that, had the jinrikisha-men's requests for fare at the station been heeded

heeded, they would not have laid hands upon anyone.

While far from paliating the method they finally resorted to, I cannot but consider it regrettable that Major Mulford should have placed himself in the position he did. I think that any Japanese or foreigner who acted with so little care and circumspection would fare no better. These considerations might be expected to affect any legal proceedings that might be taken in the matter.

None of the above, of course, is intended in the slightest degree as suggestions as to the attitude of Major Mulford, or as criticisms of his conduct. Its unnecessary length is due to the sympathy I have felt for him in his unspeakably unpleasant experience.

On the 18th I called upon Major Mulford in Yokohama, for the purpose of talking over the matter with him, but found that he had already sailed for Manila.

You will please inform Major Mulford of my inability to present a claim on his behalf.

I am, Sir,

Your obedient servant,

(Signed) Huntington Wilson.

U. S. Charge d'Affaires a. i.

DIPLOMATIC,
MAR 28 1901
BUREAU.

# TELEGRAM RECEIVED IN CIPHER.

*From* Tokio,

March 27, 1901.

Received 9.01 A. M.

Confirmed Mch. 30, C.

Secretary of State,

Washington.

Referring to my despatch of February 8th, the diet has passed a new law recognizing perpetual leases real rights, applying to them code provisions relating to ownership. [unequivocal?] registration free of charges is provided for leases, and for all rights of which lease is the object. There are no indications of the exemption of houses in any way.

WILSON

*Ciphered by* the Chief Clerk's Office

March 27, 10 A. M. *189* . *M.*

Action asked for.

TELEGRAM RECEIVED.

PARTMENT OF STATE

29 9 17 AM 1901

Service From March 28, 1901.

DEPT CLERK'S OFFICE D.
RECEIVED

Received 10 50 A.M.

Cable Company says from
Tokio: Our 6 of 27th
Sec State 69162 OK.
Bros Washn D.C.

1/4 29

File with tel from
Tokio
March 27

file

Legation of the United States to Japan,

Washington, March 28, 1901.

Ack'd April 10/01.

2nd. ASST. SECRETARY. APR 1 1901
Secretary of State. APR 1 1901
2nd. ASST. SECRETARY. MAR 30 1901

The Honorable

John Hay,

Secretary of State.

Sir:-

Referring to my despatches No. 83 of January 17, 1898, and No. 130, of April 29, 1898, I desire to say that inasmuch as Congress failed to make any appropriation for the erection of new Legation buildings at my post, Tokio, I have the honor to request that, if there is any available appropriation, the Department will allow me to expend $2,250.00 for installing a heating apparatus in the present building, which belongs to the Government of the United States. While it will be observed that the estimate for such heating apparatus, made in 1898, was at a little less cost, yet the increased cost of labor and such apparatus since then will make the sum named necessary. There is a great necessity for such heating apparatus for the comfort of the officers of the Legation during the winter, which is steadily cold from November to April. The Legation building is large and very shabbily built, and cannot be kept comfortable by grates or stoves. Heating apparatus of the character described becomes a necessity therefor for the comfort of the entire Legation.

It is proper to add that such heating apparatus as desired could be transferred to a new Legation building in case one should be built as recommended in my No. 130.

Hoping that some fund may be available to be expended in a heating plant for the Legation, and that my application may be favorably acted upon,

I have the honor to be, Sir,

Your obedient servant

W. W. Buck

Approved

John Hay

Office of the
Third Assistant Secretary.

3rd. ASST. SECRETARY.
MAR 30 1901

Dear Mr Secretary;

This should be done and if you authorize it I will prepare the necessary reply and attend to arranging the matter with Mr Buck prior to his departure from the U.S. He sails early next month for Tokyo —

Mr Buck's despatches were sent to Congress but it failed to respond —

Adee

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 550.

April 1, 1901.

ASSISTANT SECRETARY
APR 30 1901
DEPARTMENT OF STATE.

INDEX BUREAU
REC'D.
APR 29 '01
DEPT. OF STATE

DIPLOMATIC,
MAY 2 1901
BUREAU

Mr. Wilson

to the Secretary of State.

Subject:

Settlement properties questions.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 550. April 1, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 338, of February 7th last, on the subject of the Settlement properties questions.

I have the honor, also, to confirm my cipher telegram of the 26th ultimo, reading:

"Secstate, Washington.

"Referring to my dispatch of February eighth, the Diet have "passed a new law recognizing perpetual leases real rights, ap- "plying to them code provisions relating to ownership; unequivo- "cal registration free of charges is provided for leases, and for "all rights of which lease is the object. There are no indica- "tions of the exemption of houses in any way.

"Wilson."

An accurate translation of the law above mentioned is herewith enclosed. Articles I, II, and VII of the law seem effectually to remove all grounds for dissatisfaction as to the confirmation, past or future, of the titles. The law further appears to guarantee to the property freedom from all charges other than the rents, including free registration of transfers, subleases, mortgages, bequests, et cetera.

I am quite sure that the law supposes the property held under the perpetual leases to be the lands only. Article IV is designed, I believe, merely definitely to connect these properties, unique in Japan,—that is, lands held under perpetual lease and, secondly buildings standing upon such lands, as well as subsidiary rights in the perpetual leases,—with the machinery of registration

registration. There is reason to believe that an Imperial Ordinance in that sense will very soon be issued. It will probably provide for the registration of transfers of perpetual leases at the Kencho, and for that of subordinate rights, and of houses, when their registration is desired, at the Courts of Registry. It will be noticed that there is to be endorsement of transfers upon the title deeds themselves, in addition to registration.

It has been observed that the application to these properties of the laws relating to ownership makes them liable to be the object of servitudes,—such as right of way. Even if this is not a natural consequence of the termination of extraterritorial jurisdiction, it could hardly have any practical importance or be a disadvantage, on the whole, to the lease holders in the Settlements proper. On the Yokohama Bluff, for instance, where there are also holdings of Japanese, should there be objection, if the question were raised it might possibly be claimed that the Bluff was not within the Settlements of the Treaties. The point seems to me to have no importance.

Recent consultation with some of the American holders of perpetual leases in Yokohama, since the passage of this new law, leads me to believe that they are entirely satisfied with the confirmation of their titles, and that they find the condition of lands is quite free from objection; but that they adhere, on the other hand, to their belief that buildings should likewise be exempt. I invited any new arguments in support of that belief, and any possible objections to the law in its other two bearings; but nothing has been communicated.

In referrence to the remaining question, discussed in the Department's instruction, whether les propriétés de cette nature that is, les propriétés actuellement possédées en vertu de ces baux à perpétuité means lands and buildings or lands only, I have the honor to enclose some notes on the use of the word fudosan in Japanese laws and treaties. From these notes it will be seen that the argument from the word fudosan, as throwing

light

light upon the meaning of propriété, a factor in the meaning of the above phrase, is based upon the occurence of that word (fudosan) as a rendering of propriété in only one article of the translation, not text, of the French and of the Austro-Hungarian treaties. Fudosan means immovable, and zaisan means property. Biens immobiliers and propriété are both translated by fudosan; both biens and propriété are also rendered zaisan in the translation of the French treaty. The discriminating legal use of the word seems very questionable. All the treaties having been signed in a foreign language only, excepting the Italian Treaty, which was signed also in Japanese, it would seem that the Japanese versions can only have a suggestive force, without authority, in the interpretation of the originals. Among the enclosed notes is a table showing the use of fudosan in the various translations of the treaties.

The newly arrived French Minister, Mr. Dubail, who informs me that he has been given by his Government carte blanche in this matter, seems disposed to give up the contention that houses are included in propriétés ( of Art. XXI ) and therefore entitled to exemption from charges. The British and German representatives have received no new instructions on the subject.

The German representative continues, I am informed, to make the contention mentioned in my No. 538 for the free transfer of these properties, as such, to Japanese subjects. Once such a transfer may have been made, the question would arise whether the treaty could control the relations between the Japanese Government and their subjects so far as to prevent that Government from turning perpetual leases into fee simple,--or anything else.

Allied to the above point is one which may perhaps be somewhat serious. Under Imperial Ordinance No. 333, if a Japanese juridical person acquires a title of perpetual lease over land belonging to the Government, the title becomes fee simple,--which a foreigner cannot hold. American business houses having their principal offices in Japan must be Japanese juridical persons, even though they be composed exclusively of Americans

cans. So that from the time such a firm acquires a perpetual lease, it becomes a right of ownership, which no individual foreigner could hold. This change has already taken place in the case of two or three foreign firms, so far, however, without complaint. Unless the difficulty be obviated by internal arrangements between the partners;—an individual to hold the title, giving a mortgage to the others, for example,—upon the dissolution of a firm, embarrassment would seem probable. Also, by this process the Settlements might gradually disappear.

I am not aware whether the Department maintains that, under the treaties, the Settlements are bound to remain, undiminished, available for foreigners' business purposes, until foreigners may at some future time be allowed to own lands in Japan. I have thought it best, perhaps, without disclaiming anything, to let the German Legation take the lead in this matter; and the French in the house question.

The scarcity of money in Japan must, I think, sooner or later, induce the Japanese to allow foreigners to own land, in the hope of thus attracting foreign capital. And since the Japanese are so very charry of yielding anything, it may be best to save these points as useful to relinquish in exchange, while avoiding strongly assuming any position that may be untenable.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosures:

1. Translation of law.
2. Notes on Fudosan

Enclosure No 1 with Mr Wilson's No 550. of April 1, 1901.

Translation.

LAW RELATING TO RIGHTS OF PERPETUAL LEASE.

Article I. A right of perpetual lease established for a foreigner or a foreign juridical person by a deed of perpetual lease from the Government shall be regarded as a right in rem, and the provisions of the Civil Code relating to ownership shall be correspondingly applicable thereto.

A right of perpetual lease may be made the object of other rights in accordance with the provisions of the Civil Code.

In cases otherwise regulated by the title-deeds, treaties, laws or ordinances, the provisions of the two preceding paragraphs shall not apply.

Article II. When a right of perpetual lease is transferred (or transmitted), such transfer (or transmission) cannot be set up against third persons unless the fact has been recorded on the title-deed by the local Government office (Chihocho) within whose jurisdiction the land is situated.

Article III. The registration tax shall not be imposed on the registration of a right of perpetual lease, nor on the registration of rights that have a right of perpetual lease for their object.

Article IV. Special provisions may be enacted by Imperial Ordinance with respect to the registration of a right of perpetual lease, or to the registration of rights that have a perpetual leases as their object, or to the registration of buildings on lands held under a perpetual lease.

SUPPLEMENTARY

SUPPLEMENTARY REGULATIONS.

Article V. This law shall take effect from the date of its promulgation.

Article VI. The provisions of Article 45 of the Law for the Operation of the Civil Code # shall be annulled from the date of the operation of this law.

Article VII. A right of perpetual lease, or rights having a perpetual lease as their object, that have been registered before the operation of this law as Superficies, or as rights having a Superficies as their object, respectively, shall have the same validity as a right of perpetual lease, or rights having a perpetual lease as their object, duly registered as such.

Correct Translation
R.S. Miller
U. S. Interpreter
of Legation

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# Reference.

(Article 45 of the Law for the Operation of the Civil Code reads as follows:-

45. As to a superficies created for an alien or a foreign juristic person the provisions of the Civil Code apply only so far as it is not otherwise provided by treaty or regulation. )

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Correct Translation
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U. S. Interpreter
of Legation

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Enclosure No. 2 with Mr. Wilson's No. 330 of April 1, 1901.

MEMORANDUM.

Notes on the Use of the Word Fudosan ( Immovable ) in the Japanese Laws and Treaties.

---ooo---

The use of the word fu-do-san,--fu(not)do(to be moved)-san(thing) -- is shown. Both "biens" and "propriétes" are translated sometimes zai-san,-- zai (valuable)san(thing) -- and sometimes fudosan.

I. Use in Japanese Laws.

In Notification No. 9 of the 6th year of Meiji (1873), the distinction between "movables" (dosan) and "immovables" (fudosan) is made as follows: the former class (dosan) comprises "such things as can be transported,-- money, clothing, furniture in a house, etc etc"; while the latter (fudosan) comprises "things that cannot be transported,-- such as land, houses, etc etc".

Houses were therefore at that time classed among immovables (fudosan).

In the old Civil Code (promulgated in April, 1890) things were divided according to their nature, use, or according to provisions of law into movables (dosan) and immovables (fudosan). Those that "are by nature immovables" were enumerated as follows:

Art. VIII. Immovables that are such by nature are the following:-

1. Tilled land, house lots, and other kinds of land
2. Ponds, wells, canals, fountains.
3. Dykes, bridges and similar structures.

4. Bath rooms, mills, wind-mills, hydraulic or steam engines that are fixed to the land.
5. Trees, bamboos and other plants (those enumerated in Art. XII excepted).
6. Fruits and crops not yet gathered.
7. Ores, coal and manure not yet taken from the soil
8. Buildings and their outer doors, gates etc (those enumerated in Art. XII excepted).
9. Fences, hedges, posts.
10. Pipes attached to the land or building for the purpose of drainage, water, gas or heat.
11. Electric fixtures attached to the land or building.

Other articles essential to a building, though in their nature transportable.

( Note.- Art. XII excepts those things of a temporary nature, such as scaffolding, sheds etc used for building purposes.)

In the Revised Civil Code (promulgated 1896) immovables (fudosan) are defined in Art. 86 as "Land and things fixed to "it" (Lonholm), or as "Land and fixtures therein" (Gubbins); the Article further states that "All other things are movables.

If buildings are to be classed as immovables (fudosan) under this definition (as they undoubtedly are), they must be included under the designation "fixtures". This corresponds to the common definitions of fixtures ( teichakubutsu,-- tei(fixed)-chaku(attached)-butsu(things) ) in Japanese law:

4. Bath rooms, mills, wind-mills, hydraulic or steam engines that are fixed to the land.
5. Trees, bamboos and other plants (those enumerated in Art. XII excepted).
6. Fruits and crops not yet gathered.
7. Ores, coal and manure not yet taken from the soil
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"'Fixtures' are those things that are fixed to the "land, directly or indirectly, and that are not "transportable. One of the clearest examples of "fixtures is buildings". (Messrs. Matsunami et al )

"'Fixtures' are those things that are always attach- "ed to the land fixedly, such as houses, buildings "and plants". (Baron Suyematsu)

"'Fixtures' are those things that are closely attach- "ed to the land, and cannot be easily changed in "position; such as plants and buildings".
( Judge Sakakibara ).

"'Fixtures' are things attached to land, and which "are either inseparable from the land, or if separa- "ted liable to be greatly damaged. An example of "a fixture that no one would question is a house".
( Dr. Kawana ).

It is clear from what has gone before that buildings are, and for many years have been, regarded in Japanese law as immovables (fudosan), and as fixtures (teichakubutsu) in the sense of Art. 86 of the Civil Code. But, on the other hand, it is quite as clear that Japanese law and custom have generally regarded buildings and the land on which they stand as separate and distinct juridical entities. The land is an immovable; the building attached to it is another, independent immovable,-- a "fixture" (teichakubutsu) in the sense of Art. 86 of the Code, but by no means an "accessory" (jiu-butsu, following-thing) in the sense of Arts. 87 and 242 of the Code:

Art. 87. If the owner of a thing attaches to it another thing owned by him for permanent use in connection with it, the thing attached becomes an accessory (jiubutsu).

The accessory thing is subject to all dispositions made of the principal thing.

Art. 242. The owner of an immovable thing acquires the ownership of a thing which is attached to it as an accessory (jiubutsu); but this does not affect the rights of a person who by virtue of a special title has attached the thing to the other.

This separation of the houses and the lands in point of law is indicated by the Japanese system of registration ,-- which is in harmony with the older customs of the country -- according to which rights in land are entered in one register and rights in buildings in another; and also by the definition of "accessory" as used in Japanese law:

"If there is no relation of principal and subordi-
"nate between two immovables, they are regarded as
"two separate things, both in fact and in law, and
"the one cannot be said to be attached (as an acces-
"sory) to the other. Take for example a house.
"It is in nature attached to the land. But the
"ideas of our country down to the present dayhave
"regarded it as a thing independent of the land and
"not as belonging to it. Hence the question of
"attachment(as an accessory) cannot here arise".

( Dr. Okamatsu )

"An accessory must be for the constant use of the "principal thing, as a key to a box or a bucket to "a well". -- "Houses are not regarded as subordinate "(accessory) to land". Dr. Umé.

It cannot therefore be said that Art. 86 of the Civil Code of Japan "shows the union of land and its fixtures"; nor that "the theory of present Japanese law is that those things "which are actually fixtures (?) in land are to be treated as "part of the land". Rather it should be said that Art. 86 of the Code shows that land is an immovable (fudosan) and that fixtures (teichakubutsu) therein, including buildings, are also immovables; and that Arts 87 and 242 of the Code show that accessories (jiubutsu), not including buildings, are subject to all dispositions of the principal thing to which they are attached as accessories.

This conclusion is not inconsistent with the statement that "under the Japanese Law (and practice) of Registration "the title to the land carries with it presumptively the title "to the buildings thereon as well, unless there is a specific "agreement to the contrary,-- very much as was formerly the "case under consular jurisdiction". (Memorandum of February 19, 1901). It is true that the title to the land carries with it presumptively the title also to the buildings thereon and that the actual practice in matters of registration in Japan is generally based on that presumption. The distinction is that such presumption is less strong in Japan than in most foreign countries, or under consular jurisdiction; and that when special reasons exist, or when a registration of

rights is made, or when the question is pressed to the last analysis, Japanese law and usage treat buildings and the land whereon they stand as distinct and independent juridical entities.

When a piece of land is let for a long term of years and the superficiary erects buildings, they do not revert to the owner of the land at the termination of the superficies. The owner of the land merely has the right to buy the buildings at a price equal to their proved market value. (See Art.269 of Code) In Japan, as a matter of fact, more people own and use buildings standing upon lands which they do not own than is the case in the West; and the low value of land in general makes the buildings seem less subordinate to the land than in western countries.

II. Use of "Fudosan" in the Treaties.

As shown by the accompanying table, the treaties of England, the United States, Italy and Germany are identical in their use of terms relating to land and property, both in the original texts and in the Japanese equivalents. "Property" is uniformly rendered into Japanese by "zaisan", "land" by "tochi", and "lands" by "jisho". The French and Austro-Hungarian treaties are likewise identical in phraseology, and differ from the others in using the term "fudosan" as the equivalent of "propriétes" in Article XXI of the French, and Art. XX of the Austro-Hungarian, treaty. In Article I of these treaties the term "propriétes" id rendered by "zaisan", thus corresponding to the other treaties. On the other hand, fudosan is used as the equivalent of "biens immobiliers" in Art. IV of the French treaty, and of "immeubles" in Art. II of the Austro-Hungary treaty. In the German Notes the references to the Settlement properties are throughout in terms of tochi and jisho ("land" and "lands").

The history of the Japanese version of the French treaty is as follows. The original draft was in English. It was translated into French, and into Japanese. The French translation was offered to the French as a draft. Finding the phraseology not acceptable, they proceeded to put it into French satisfactory to them, the idea being that the meaning was already settled. This second French version became the text of the French treaty. It was put back into Japanese by a different man from the first translator. He used fudosan once or twice for "propriétes", and at other times zaisan. The Austria-Hungary treaty was modeled on the French.

Table showing use of "Tudosan" &c in the treaties.

| | | | | |
|---|---|---|---|---|
| English Treaty | Art. I "property" (2) "Zaisan" | Art III "land" "tochi" | Art. XVIII "property (3) "Zaisan" | "lands" - "jicho" |
| United States " | " = " | Art. II " = " | Art XVII " = " | " = " |
| Italian Treaty | " = " | Art III " = " | Art. XVIII " = " | " = " |
| German " | " = " | " = " | " = " | land (3) (grundstücke) lands (landereien) |
| French " | " "propriétés" = "Zaisan" | Art IV "terres" = " (= bien immobilier - fudosan Art. II immeubles = " ) | Art. XXI "biens" = "Zaisan" "propriétés (2) = "Tudosan" | "terrains" = " |
| Austro-Hungry " | " = " | Art. III terres = tochi | Art. XX " = " | " = " |
| German note | Art I "land" (3) = "tochi" | Art III "land (3) = "jicho" | | |

Note: "tochi" = "land" (in general)
"jicho" = "lot of land"

INDEX BUREAU
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DEPT. OF STATE

DIPLOMATIC SECRETARY
ASSISTANT SECRETARY
MAY APR 1900 1901
DEPARTMENT OF STATE
BUREAU

No. 537.

LEGATION OF THE UNITED STATES,

Tokyo, Japan, April 4, 1901.

Take and
Ed Ivey
May 7 c.

Mr. Wilson,

to the Secretary of State.

Subject:

Closing of the fifteenth session of the Japanese Diet.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 551.

April 4, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to report that the fifteenth session of the Japanese Diet closed on the 25th ultimo.

Referring to my dispatch No. 543, of March 4th, last, on the subject of the prorogation of the Diet for a period of ten days and the subsequent crisis in Japanese politics, I have the honor to state that, at the expiration of the first period of prorogation, the deadlock between the Government and the Upper House not having yet been adjusted, the Diet was again prorouged for a period of five days. The difficulty was finally settled by a message from the Emperor to the House of Peers, stating that the present condition of affairs at home and abroad rendered the passage of the proposed financial measures imperative, and that it was therefore desirable that the House of Peers should give their assent to the bills. This they immediately did, and the measures were passed as sent up from the Lower House.

The action of the Marquis Ito in thus "hiding behind the "Emperor's sleeve" was considerably criticized. But it is understood that both he and the members of his Cabinet had previously placed their resignations in the hands of the Emperor, who returned the resignations with assurances of continued confidence in the Cabinet and afterwards issued the message upon his own initiative. The old question of "responsible cabinets",

that

that is, whether cabinets are responsible to both the Emperor,- whose appointees they are-, and to the Diet,- as the representatives of the popular will-, or to the Emperor alone, was thus brought into prominence in a new form. Similar collisions between the Diet and the Government may be expected to occur at any time until the question of whether or not there are to be party cabinets in this country is more definitely settled.

It was expected that the Peers would find other occasions for obstructing the Government,— especially in the discussion of the budget; but the growing gravity of the situation in China prevented further internal conflict, and the budget was passed, after a conference with the Lower House, as adopted by the latter, with only two alterations; viz., the expunging of the appropriation for a steel foundry at the Kurè Naval Station, and the restoration of the appropriation for increased salaries of hannin officials (departmental clerks et al.).

The work of the session was not large. In all 150 bills were submitted, of which 53 were presented by the Government. Of the whole number 55 were passed, of which 48 were Government bills. The smooth working of the Lower House was due to the alliance of Marquis Ito with the Seiyu-kwai (Constitutional Party). A list of the bills passed is enclosed, together with translations of the increased taxation measures referred to above,— including taxes on the manufacture of alcohol; alcoholic liquors and beer; the consumption of sugar; the revised statutory customs tariff; and laws relating to the export of alcohol and alcoholic liquors, with other measures of minor importance. The law relating to perpetual leases held by foreigners was discussed in my No. 550, of the 1st instant; and translations of the budget, together with such other laws as seem important, will be forwarded when completed.

It will be noted that the appropriation for increased salaries for judicial officers was not restored to the budget. the

agitation

agitation among those officials, referred to in my former despatch, subsequently assumed larger proportions; but more moderate counsels have since prevailed, and the trouble seems to be at an end for the present, only a small number of judges having resigned.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosures.

1. List of bills passed by the Diet.
2. Translations of the increased taxation measures, etc.

Enclosure No. 1 with Mr. Wilcox's No. 551 of April 4, 1901.

The Japan Times.

TOKYO, TUESDAY, MAR. 26TH, 1901.

## LEGISLATIVE WORK OF THE 15TH SESSION.

During the session just closed 150 bills were submitted to the Diet, and of that number 53 were official and 97 private (94 by the members of the House of Representatives and three by those of the other House). Of the whole number of official bills 48 have passed, while the private bills passed numbered only seven. We append below a list of those bills that have passed the Diet.

OFFICIAL BILLS.

Budgets, general and supplementary, of the 34th fiscal year.

Supplementary Budget of the 33rd fical year.

Contracts to be met with extra-Budgetary appropriations.

*Post facto* approbation for disbursements from the reserve funds of the 32nd year.

Do. for Imperial Ordinance No. 277, 1900 (temporary appropriation on account of the Chinese affairs from the Three Funds).

Do. for Imperial Ordinance No. 294, 1900 (prohibition to export horses).

Prolongation of the period for starting the work of reclaiming wild lands, or exempting from taxation newly opened lands, and of leaving stationary the official value of such lands.

Exemption from taxes of flood devastated lands.

Amendment of the Law of Registration.

Do. of Stamp Duties.

Do. Sake.

Law of Alcohol and Alcoholic Liquors.

Amendment of the Law of Export Duties on Liquors from Okinawa.

Restoration of Import Duties on Exported Alcohol and Alcoholic Liquors.

Do. on Alcohol used for medical and industrial purposes.

Tax on Beer.

Do. Sugar.

Amendment of Tariff and Tariff Schedule.

Do. of the Law of Emigration.

Do. of Formosan Undertakings Loan.

Do. of Law No. 101, 1899 (Assessors of Courts of Law.)

Fishery Law.

Amendment of Public Undertakings and Railway Loans Special Account Law.

Law for creating Cashiers for Hokkaido Railway Departments.

Law of Hokkaido Local Assembly.

Do. expenses.

Appropriations for repairing the mouth of the river Sakanto.

Exemption from Registration Fee of lands bestowed on Colonial Soldiers and their descendants.

Pensions to Policemen and Jailors and their Surviving families.

Amendment of the Rice Conditioning-House Law.

Law for Castration of Horses.

Law of Perpetual Lease.

Amendment of the Law of granting State aids to Business and Technical Education.

Amendment of the Law of Railway Construction.

Do. of Public Undertakings.

Prevention of Tuberculosis of Cattle.

Probationary Period of Assessors of Courts of Law.

Persons who take Charge of Goods at Custom Houses.

PRIVATE BILLS.

Amendment of the Law of Income Tax.

Do. of Civil Code.

Do. of Tariff and Tariff Schedule.

Do. of Game Law.

Do. of Tobacco Monopoly.

Law of Corruption of Public Officials.

Law of newly opened Lands, etc.

The Representations or Resolutions passed by the House of Representatives numbered 23 of which mention may be made of the Resolution thanking our troops in north China for their meritorious deeds; Resolution of condolence on the occasion of the death of Queen Victoria; Resolution of condolence on the occasion of the death of Mr. Takezawa; six Representations about educational affairs; two about harbour construction; two about railway constructions and so on.

There appeared only one bill of this kind in the Upper House, and that was an Address to the Throne concerning the Tabano affair. It was, however, rejected,

Enclosure No. 2 with Mr. Wilson's No. 5-8-1
of April 4, 1901.

NEW TAXATION MEASURES.

a. Manufacture of Alcohol and Alcoholic Liquors.

b. Manufacture of Beer

c. Consumption Tax on Sugar

d. Revised General Statutory Customs Tariff

e. Export of Alcohol and Alcoholic Liquors.

f. Other Minor Measures.

Correct Translation
R.A. Miller
U. S. Interpreter
of Legation.

Translation.

# LAW OF TAXATION OF ALCOHOL AND ALCOHOLIC LIQUORS.

( Law No. 8 ).

Article I. Alcohol and alcoholic liquors shall be subject to a tax on the quantity manufactured, in accordance with these regulations.

Art. II. Alcohol and alcoholic liquors, when manufactured, shall be subject to a tax at the rate of 75 sen per koku for each per cent of pure alcohol contained in the manufactured liquor. The rate, however, shall in no case fall below 16 yen per koku.

Art. III. The term "pure alcohol" in these regulations shall mean a spirit having a specific gravity of 0.7947 at a temperature of 15 degrees Centigrade.

Art. IV. Refined and unrefined sakè, white and sweet sakè, liquors made from sakè (shochiu), malt liquor (beer), and wines manufactured from grapes shall not be dealt with under these regulations.

Art. V. Manufacturers of alcohol or alcoholic liquors must obtain a license from the Government for each place where they are manufactured. When the work is discontinued, the cancellation of the license shall be obtained.

Art. VI. Taxes levied upon the amount of manufacture according to the inspection in the middle of each month shall be paid in one sum, not later than the middle of the following month. When the business of manufacture is suspended the taxes shall be paid immediately.

Art. VII. When any person liable to taxation is believed to have evaded or attempted to evade the taxes imposed, measures shall at once be taken by the Government to collect a part or the whole of the amount due. In such case the alcohol or alcoholic liquor may be held as security for the payment of the taxes.

Art. VIII. No tax shall be imposed upon alcohol or alcoholic liquors manufactured for the use of manufacture of other liquors of the same kind in the same place. In such cases, however, the manufacturer must receive official inspection as to the quantity of alcohol or alcoholic liquor used as material.

Art. IX. The quantity of liquor manufactured shall be fixed by practical examination at the time when the manufacture is completed, except in the case of the liquors mentioned in the foregoing Article which have already undergone inspection.

When it is impossible to comply with the provision of the foregoing paragraph, owing to the violation of rules or other reasons, the quantity manufactured shall be determined with reference to the amount of liquor actually on hand, or other evidence.

Art. X. Alcohol and alcoholic liquors examined in accordance with Article VIII, shall be taxed on the amount of manufacture shown by that examination, as the amount of final assessment, in the following cases:

1. When transferred to another person
2. When offered for public sale.

3. When they are used for other purposes than the manufacture of alcohol or alcoholic liquors.

Art. XI. Taxes will not be levied on the manufacture of alcohol and alcoholic liquors when they have been lost or destroyed by natural calamity, provided the goods have not been removed outside the manufactory.

Art. XII. No manufacturer of alcohol or alcoholic liquors shall be allowed to transfer, mortgage, consume or carry beyond the limits of the factory any product prior to an official inspection of the same.

Art. XIII. Manufacturers and dealers in alcohol and alcoholic liquors shall be required to keep account books in which entries are made in detail as to the quantity of liquor mnufactured or on sale.

Art. XIV. Tax officers are authorized to inspect the above mentioned account books, together with all buildings, machinery and materials belonging to a manufacturer or dealer in alcohol or alcoholic liquors and essential to their business; and to take such other steps as may be necessary for exercising strict supervision.

Art. XV. Any person manufacturing alcohol or alcoholic liquors without obtaining a license from the Government shall be liable to a fine equivalent to five times the amount of taxes to be collected. But the amount of fine shall in no case fall below 50 yen.

Art. XVI. The penalty mentioned in the forgoing paragraph shall be required of manufacturers of alcohol

or alcoholic liquors who has evaded or attempted to evade, by fraud or other illegal means, official inspection as to the quantity of liquor manufactured.

Art. XVII. Any manufacturer of alcohol or alcoholic liquor who evades or attempts to evade the tax thereon by intentional misrepresentation of facts or other fraudulent means, shall be liable to a fine equivalent to five times the amount of tax to be imposed. But in no case shall the said fine fall below 30 yen.

Art. XVIII. Any person violating Article XII shall be liable to a fine of not less than 10 yen and not more than 100 yen.

Art. XIX. Any manufacturer of alcohol or alcoholic liquor who has intentionally concealed materials or account books shall be liable to a fine of from 10 yen to 100 yen.

Art. XX. Any manufacturer or dealer in alcohol or alcoholic liquors who has made fraudulent statements in the account books, or who has made a fraudulent report, or neglected to send any report as to the quantity of liquor manufactured or in stock, shall be liable to a fine of from 3 to 30 yen.

Art. XXI. Any person offering opposition to the taxation officials, or attempting to evade or obstruct them in the discharge of their duties, shall be liable to a fine of from 3 to 30 yen. Offences punishable under the Criminal Code shall be dealt with in accordance with the law.

Art. XXII. The provisions of the Criminal Code that relate to non-prosecution, mitigation, aggravation or concurrence of offences shall not be applied to persons violating these regulations, except in the case of the first clause of Article LXXV of the Penal Code.

Art. XXIII. Manufacturers or dealers in alcohol or alcoholic liquors shall themselves be held liable when these regulations are violated by their agents, the heads of their families, members of their households, their employees or any other person engaged in the business.

Art. XXIV. A person abandoning the manufacture of alcohol or alcoholic liquors, or his heir or successor, shall be dealt with according to these regulations prior to the payment of the taxes imposed.

APPENDED RULES.

Art. XXV. These regulations shall be enforced from October 1, 1901. With respect to alcohol or alcoholic liquor manufactured prior to the enforcement of these regulations, the former rate of tax shall be imposed.

Art. XXVI. The law for the taxation of mixed sake' shall be rescinded. But the provisions of that law shall be applied to mixed saké manufactured before the date of operation of these regulations.

Art. XXVII. Until regulations are adopted or enforced in Formosa providing for a rate of taxation similar to that prescribed in this law, no alcohol or alcoholic liquor manufactured in that island can be imported to any locality where this law is in operation. Persons violating

this provision shall be liable to a fine equivalent to five times the amount of the tax to be collected in accordance with the rate fixed in Article II; but the said fine shall in no case be less than 50 yen.

The alcohol or alcoholic liquor mentioned in the preceding paragraph shall be confiscated, to whomsoever it may belong.

Translation.

# BEER TAX LAW.

( Law No. 72 )

Art. I. A tax shall be imposed upon Beer in accordance with this law.

Art. II. Any person desiring to manufacture Beer must obtain a license from the Government for each place of manufacture. When the business of manufacture is abandoned, the cancellation of the license shall be obtained.

Art. III. The beer tax shall be paid upon the amount of beer manufactured at the rate of 7 yen per koku.

Art. IV. The beer tax shall be paid upon the quantity manufactured as determined by the inspection each month, in one payment before the end of the succeeding month. When the business is suspended the tax shall be paid at once.

Art. V. When the Government believes that a manufacturer has evaded or attempted to evade the beer tax, the whole of the tax, or any part thereof, shall be levied at once. In such case the beer may be seized as security for the payment of the tax.

Art. VI. The quantity of beer manufactured shall be determined by the amount on hand at the completion of the process of manufacture.

In case the quantity manufactured cannot be so determined, owing to the infringement of the rules or other reason, the amount shall be fixed according to the quantity in the possession of the manufacturer, or other evidence, and the tax levied on that amount.

Art. VII. No tax shall be imposed upon beer that has been lost

or destroyed by natural calamity, provided the beer had not been removed beyond the premises of the manufactory.

Art. VIII. A manufacturer of beer cannot transfer, pledge, consume, or remove from the factory, beer before the official examination has been made.

Art. IX. Manufacturers and sellers of beer shall provide books in which the facts relating to the manufacture, receipts and delivery of beer shall be entered in detail

Art. X. The tax collectors may, as provided by law, examine all the books and papers relating to the manufacture, receipt or sale of beer, and the beer or buildings, machinery, materials and other articles essential to the manufacture or sale of beer; or they may take such other steps as may be necessary for the purpose of exercising a strict supervision.

Art. XI. Any person who manufactures beer without a license shall be liable to a fine equivalent to five times the amount of tax to be levied upon the beer; but in no case shall the amount of the fine fall below 50 yen.

Art. XII. In case a manufacturer of beer has evaded or attempted to evade , by fraud or other illegal act, the official examination of the quantity manufactured, he shall be liable to a fine of five times the amount of the tax to be levied on the beer. But in no case shall the amount of the fine fall below 30 yen.

Art. XIII. Any manufacturer who has evaded or attempts to evade, by intentional misrepresentation or other fraudulent means, the tax upon beer, shall be liable to a fine equivalent to five times the tax upon the beer. But in no case shall the amount of the fine be less than 30 yen.

Art. XIV. Any manufacturer who violates the provisions of Art. VIII shall be liable to a fine of not less than 10 and not more than 100 yen.

Art. XV. Any manufacturer or seller of beer who has concealed materials, books or papers shall be liable to a fine of not less than 10 and not more than 300 yen.

Art. XVI. Any manufacturer who has made false entries, or neglected to make entries, in his books in relation to the manufacture, delivery or receipt of beer, shall be liable to a fine of not less than 3 and not more than 30 yen.

Art. XVII. Any person who offers opposition to the tax collectors, or attempts to evade or obstruct them in the discharge of their duties, shall be liable to a fine of not less than 3 and not more than 30 yen. Offences punishable under the Penal Code shall be dealt with in accordance with its provisions.

Art. XVIII. The provisions of the Penal Code relating to non-prosecution, mitigation, aggravation or concurrence of offences shall not be applied to persons violating this law; except the cases mentioned in the first clause of Art. 75 of the Penal Code.

Art. XIX. Manufacturers or sellers of beer shall themselves be held responsible when this law is violated by their agents, the heads of their families, members of their household, employees, or any other person engaged in the business.

Art. XX. A person who has abandoned the manufacture of beer, or his heir or successor, shall be dealt with according to this law prior to the payment in full of the taxes imposed.

APPENDED RULES.

Art. XXI. This law shall be enforced from October 1, 1901.

Art. XXII. When a manufacturer who has been engaged in the manufacture of beer prior to the date of enforcement of this law, shall report to the Government within ten days after the operation of this law in regard to each place of manufacture, he shall be deemed as having received the license required by this law, from the date of its enforcement.

Translation.

LAW OF TAXATION OF THE CONSUMPTION OF SUGAR.

( Law No. 13 )

Art. I. Sugar, molasses and syrup that are taken delivery of at a manufactory, Custom House, or bonded warehouse, for the purpose of providing the same for consumption in the interior, shall be subject to taxation in accordance with this law.

Art. II. Sugar, molasses or syrup used as materials for manufacture, shall be regarded as articles of consumption.

Art. III. The rates of taxation of consumption shall be fixed as follows:

| | | |
|---|---|---|
| Class 1. | Sugar and molasses below the Dutch specimen No. 8 as to color etc -- | 1.00 per picul |
| Class 2. | Above Dutch specimen No. 8 and below specimen No. 15 -------- | 1.60 per picul |
| Class 3. | Above Dutch specimen No. 15 and below specimen No. 20 ---------- | 2.20 per picul |
| Class 4. | Above Dutch specimen No.20 ----- | 2.80 per picul |

Art. IV. The taxes specified above shall be collected when the sugar, molasses or syrup are taken delivery of at a manufactory, Custom House, or bonded warehouse but when securities that the Government deem to be sufficient have been deposited, the payment of the consumption tax may be deferred not to exceed six months. In such case the Government may retain samples of the sugar, molasses or syrup.

When the person depositing the securities mentioned in

the preceding paragraph fails to pay the tax by the end of the period determined, the securities shall be appropriated to make good the said tax. Securities other than money shall be put up at public sale to defray the taxes and the cost of the sale. When any surplus is left it shall be returned to the depositor of the securities.

Art. VI. No sugar, molasses or syrup shall be taken from a manufactory, Custom House or bonded warehouse before the consumption tax has been paid or securities have been deposited.

Art. VII. Any person engaged in the manufacture of sugar molasses or syrup shall under no circumstances deliver the same to another person or transport it beyond the premises of the manufactory, before the taxes have been paid or securities deposited, without the consent of the Government

Art. VIII. Any person engaging in the manufacture of sugar molasses or syrup must report the fact to the Government. This must also be done when the manufactuse is abandoned.

Art. IX. Manufacturers and dealers in sugar, molasses and syrup are required to ptovide account books in which the quantities manufactured, received and delivered shall be entered in detail.

Art. X. Tax collectors are authorized to inspect books and documents relating to the manufacture, receipt and delivery of sugar, molasses and syrup owned by manufacturers or dealers, and to examine their buildings, machinery, materials and other articles necessary for the manufacture or sale, and to adopt other measures necessary for exer-

cising a strict supervision.

Art. XI. Any person who has manufactured sugar, syrup or alcohol by using as materials sugar or molasses on which taxes for consumption have been levied with the consent of the Government may claim from the authorities repayment of an amount of money corresponding to the amount of taxes in question. No such claim, however, can be made after the lapse of one year after manufacture.

Art. XII. Persons violating Articles VI or VII shall be liable to a fine equivalent to five times the amount of the consumption tax. In no case however shall the fine be less than 50 yen.

Art. XIII. Any person manufacturing sugar, molasses or syrup without reporting the fact to the Government shall be liable to a fine of not less than 20 and not more than 200 yen.

Art. XIV. Any manufacturer or seller of sugar, molasses or syrup who has made fraudulent statements in account books, presented false reports or neglected to send a report in respect to the manufacture, receipt or sales of the article, shall be liable to a fine of from 3 to 30 yen.

Art. XV. Any person refusing to obey or attempting to evade or obstruct the tax collectors in the discharge of their duties, shall be liable to a fine of from 3 to 30 yen. Cases punishable under the provisions of the Criminal Code shall be dealtwith according to law.

Art. XVI. The providions of the Criminal Code relating to non-prosecution, mitigation, aggravation or concurrence of offences shall not be applied to offences against this law, except in cases specified in the first

clause of Article LXXV of the Code.

Art. XVII. Manufacturers and sellers of sugar, molasses or syrup shall themselves be liable when their agents, heads of family, members of their household, employees or any other person connected with the business shall violate the provisions of this law.

APPENDED RULES.

Art. XVIII. These regulations shall be enforced from October 1, 1901.

Art. XIX. Any person who has been engaged continuously in the manufacture of sugar, molasses or syrup prior to the operation of this law, must report the fact to the Government within one month from the date of its operation. Violations of this provision shall be dealt with in accordance with Article XIII.

Translation .

AMENDMENTS TO THE GENERAL STATUTORY CUSTOMS TARIFF.

( Law No. 14).

The General Statutory Customs Tariff is revised as follows:-

Art. I. Clause 2 is struck out . (Note: This clause relates to the class of duty free articles ).

Art. V: The proviso of clause 10 of the first paragraph is amended to read: "Tobaccos, alcohol, "wines, spirits and other beverages containing "alcohol being excluded etc etc".

The Import Tariff Schedule is revised as follows:-

For "Ad valorem rate of duty" read "Advalorem rate of duty" and "specific rate of "duty".

No. 36.- Confectionery etc

a. Confectionary ------40% (ad valorem).

b. Preserves in sugar, molasses or syrup -------- 25% ( do. )

No. 69.- Alcohol ---------- 42 sen per litre

No. 69-A.-Methylated alcohol

a. Having 15 per cent or less of methyl alcohol at a temperature of 15 deg. Cent. --- 42 sen per litre

b. Having more than 15 per cent of methyl alcohol ----- 10% ( ad valorem ).

No. 69-B.-Various tinctures (opium tincture excepted -------- 42 sen per litre.

No. 278. Kerosene.

a. In tins --------- 3.2 sen per gallon

b. In bulk, ------- 2 sen per gallon

No. 379. Cigars and cheroots --- 150 % ( ad valorem )

No. 380. Cigarettes ---------- do do

No. 381. Snuff ---------- do do

No. 382. Cut tobacco ---------- do do

No. 384. Other manufactured tobacco- do do

No. 385. Beer, porter and stout --10.4 sen per litre

No. 386. ( Brandy ) -------- struck out

No. 388. Chinese liquors (brewed) --100% ( ad valorem ).

No. 389. ( Gin ) ---------- struck out

No. 390. (Liquers, all kinds) --- do do

No. 392. ( Rum ) ---------- do do

No. 393. Refined saké --------- 100% ( ad valorem )

No. 396. ( Whiskey ) ---------- struck out

No. 398. (Spirits, or distilled liquors of all kinds )---- struck out

No. 399. Spirits etc of all other kinds,-- 27.5 sen per litre

N.B.- Spirits having a specific gravity of .7947 at a temperature of 15 deg. Cent. shall be regarded as pure alcohol, and an additional duty of 4 sen on every 10 litres of liquor for every one per cent over fifty per cent of pure alcohol will be imposed.

APPENDED RULE.

This law shall be enforced from October 1, 1901.

Translation.

# LAW OF EXPORT OF ALCOHOL, SAKE', AND ALCOHOLIC LIQUORS.

( Law NO. 10. )

Art. I. Any person who exports to a foreign country alcohol, saké or other alcoholic liquor manufactured within the Empire, may apply to the Government for the payment of a sum of money according to the following rates. Wine made from grape juice is not included under this law.

| | |
|---|---|
| Refined, unrefined, turbid or sweet saké and shochu made of sweet potatoes | 15 yen per koku |
| Shochu, made of saké | 16 yen do |
| Beer, | 7 yen do |
| All other alcoholic liquors and alcohol | 75 sen per koku for each degree of pure alcohol in 100 per cent of the liquor. |

Application cannot be made in accordance with the preceding paragraph after one year has elapsed since exportation.

Art. II. Any person who desires to make application for the payment of a sum of money in accordance with the provisions of the foregoing Article, must present his application to the Customs House at the port of export, accompanied by the following documents:

1. A receipt from the Tax Office within whose jurisdiction the factory is located, showing that the tax has been paid.
2. Certificate of export.
3. Certificate of import issued by the customs of the port of entry, or other document to prove that the cargo was discharged abroad.

Art. III. A person who exports alcohol, saké or other alcoholic liquor on which the tax has not been paid may present a certificate proving that security corresponding to the amount of the tax has been deposited, in lieu of the tax receipt, mentioned in the foregoing Article.

APPENDED RULES.

Art. IV. This law shall be enforced from October 1, 1901, and will be applied to alcohol, saké or other alcoholic liquor manufactured after that date.

Art. V. Imperial Ordinance No. 54 of 1888 shall be annulled from the date of the operation of this law. But the provisions of that Ordinance shall be applicable to alcohol, saké or alcoholic liquor manufactured before the date of the operation of this law.

ADDENDA.

Law No. 7 , imposes a tax upon the manufacture of saké at the following rates:

1. Refined, unrefined, turbid and sweet saké below 20 degrees of alcohol percentage, or shochu made of sweet potatoes, below 30 degrees of alcohol percentage ----------15 yen per koku
2. Shochu below 45 degrees of alcoholic percentage ---------- 16 yen per koku
3. Refined, unrefined, turbid, and sweet saké above 20 degrees, and shochu above 45 degrees alcohol-- 75 sen for each degree of alcoholic percentage, per koku.

( "Alcohol percentage" in the above paragraph means the percentage of pure alcohol, having a specific gravity of 0.7947 at a temperature of 15 degrees Cent.) .

---- ----------

Law No. 9, imposes a tax, similar to the above (law No.7), on saké or shochu , manufactured in Okinawa Ken (LooChoo Islands) , when exported to any other part of the Empire.

---

Law No. 11, provides for the rebate of manufacture or import taxes paid on alcohol designed for medical or industrial use (other than the manufacture ofliquors) when imported in quantities of one koku or more at a time.

No. 552.

LEGATION OF THE UNITED STATES,

Tokio, Japan, April 9, 1901.




Mr. Wilson

to the Secretary of State.

Subject:

Acknowledging receipt of official supplies.

No. 552.

LEGATION OF THE UNITED STATES,

Tokio, Japan, April 9, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge, with thanks, the receipt of the stationary asked for in my requisition of January 23, now arrived here, which, by the Department's instruction No. 339 of February 16, 1901, I was notified had been sent me in two cases in care of the United States Dispatch Agent at San Francisco.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

DIPLOMATIC,
APR 30 1901
BUREAU.

No. 553. LEGATION OF THE UNITED STATES,

Tokio, Japan, April 10, 1901.

INDEX BUREAU
REC'D.
APR 29 '01
DEPT. OF STATE

Seen J. C. 4/30

Mr. Wilson

to the Secretary of State.

Subject:

Acknowledging receipt of instruction No.340, of March 1, with Admiral Beardsley's report about the Perry Monument, etc.

No. 553.

LEGATION OF THE UNITED STATES,

Tokio, Japan, April 10, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your Instruction No.340, of the 1st ultimo, enclosing a copy of a letter from the Navy Department and of one from Rear Admiral L. A. Beardsley, U. S. N., retired, reporting the evidences of Japanese friendship for America observed by him in connection with the erection of a monument in memory of Commodore M. C. Perry.

It is reported that the monument in question is to be unveiled at Kurihama on the 14th of next July, the forty-eighth anniversary of Commodore Perry's landing at that place.

I have the honor to be,

Sir,

Your obedient servant,

Wm Tington Wilson.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 554.

April 11, 1901.

DIPLOMATIC,
APR 30 1901
BUREAU.
INDEX BUREAU
RECD.
APR 29 01
DEPT. OF STATE
ASSISTANT SECRETARY
APR 30 1901
DEPARTMENT OF STATE.

Mr. Wilson

to the Secretary of State.

Subject:

Japan and Russia's aggression in Manchuria.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 554. April 11, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

The past few weeks have been regarded here as rather a critical time, the relations between Japan and Russia having been much more than usually strained. The conditions described in my No. 536 of January 16 were intensified when the abortive Mukden Agreement was followed by the proposal of the St. Petersburg agreement about Manchuria. And finally, when it was understood that Russia was making such efforts to force acquiescence upon China, even going so far as what resembled an ultimatum, the position of affairs became somewhat acute.

Count von Bülow's announcement in the German Diet that Germany did not consider Manchuria within the scope of the Anglo-German Agreement, and the fact that no other Power seemed ready actively to thwart Russia in her Manchurian aggression, seemed to throw the onus of attempting to do so upon Japan.

The representations which this Government made to Russia consisted mainly, I believe, in pointing out that Japanese interests were involved, and in an expression of dissatisfaction, but were hardly a protest, although having the effect of one. The Russian answer is supposed to have been a sort of an assurance that the Agreement was unobjectionable; and the rejoinder to this a further expression of dissatisfaction. I think it is quite safe to say that Japan's representations were not at all aggressive or peremptory.

Russia's giving up the Agreement is regarded as the result of a decided diplomatic victory for Japan. Both Government and people seem highly pleased at the success, and Mr. Kato is praised on all sides.

Although

Although Japan has a large trade in North China, now, as always, it is the old Korean question which arouses the Japanese. Russia in Manchuria overshadows Korea.

I think it doubtful whether, with the present Government, there has really been any great likelihood of war. Marquis Ito's conservatism is well known. Probably counter demonstrations in Korea would have resulted, had not Russia given up the Agreement.

To turn to popular opinion, there have been no evidences of excitement, beyond the small ultra warlike agitation of the National Union headed by Prince Konoye, some questions in the Diet, and very many newspaper articles.

However, the calmness appeared rather foreboding. At the end of March the Japanese press became unanimous in insisting that the Government must restrain Russia in Manchuria, even at the risk of war. Various warlike interviews with such prominent men as Count Okuma and Viscount Aoki were reported, but with far from reliable accuracy. It is beyond doubt that there has been a strong under-current of warlike feeling among the naturally warlike Japanese people. The small Russian demonstration at Chinghai, in Korea, added a little to the excitement, although, it is to be supposed, intended only for a diversion.

The old feeling that Russia must sooner or later be fought,—with perhaps also a vague idea that for the sake of prestige a western nation should be fought,—was to some extent, I believe, affected by the idea that time would weaken Japan's relative strength vis a vis Russia, and that the present was the most favorable moment. The present scarcity of money in Japan was, no doubt to some extent, a deterrent.

It is difficult to judge how far the Japanese will be satisfied in the future with this technical check of Russia, in her giving up the Manchurian Agreement,—if she continues quietly to strengthen her position in Manchuria,—and how long the present tranquility is likely to last.

I have the honor to be,
Sir,
Your obedient servant,

Huntington Wilson.

UNITED STATES LEGATION,
TOKIO, JAPAN.

ASSISTANT SECRETARY,
MAY 21 1901

No. 555.

INDEX BUREAU
REC'D.
MAY 20 '01
DEPT. OF STATE

April 20, 1901.

DIPLOMATIC,
MAY 22 1901
BUREAU.

Hold and
To Dr
May 29

Mr. Wilson,

to the Secretary of State.

Subject:

Transmitting translations of the budgets and sundry important laws.

shortly after the budget had been passed and the Diet adjourned. Made under such circumstances, and affecting the public interests so tangibly, the decision has caused much criticism and precipitated another political crisis, which may yet lead to the reconstruction or resignation of the present Cabinet.

It will further be noted in relation to the budget that the figures do not include the revenue from the increased taxation measures reported in my No. 551. These taxes are for the present kept distinct from the general budget, having for their special object the military expenditures in North China.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosures:

Translations of the budgets and sundry laws as noted.

Enclosures Nos. 1 & 2
with Mr. Wilson's No. 555

The Budget for 1901, with Supplemantary Budgets A and B .

Law of Hokkaido Local Assembly

Law of Local Expenses of Hokkaido.

Amendments to the Law for the Protection of Emigrants, with Regulations relating to the same.

Enclosure No. 1.

Translation.

# THE BUDGET.

## ORDINARY REVENUE

| | | |
|---|---|---|
| 1. | Taxes | 135,652,181.-- |
| | Land tax | 46,561,082.-- |
| | Income tax | 5,618,255.-- |
| | Business tax | 6,142,517.-- |
| | Saké tax | 55,001,923.-- |
| | Soy tax | 3,308,730.-- |
| | Patent Medicine Business tax | 111,356.-- |
| | Mining tax | 758,849.-- |
| | Bourse tax | 1,046,429.-- |
| | Tax on issue of convertible bank notes | 1,071,117.-- |
| | Export tax on saké in Okinawa | 66,472.-- |
| | Tonnage dues | 336,688.-- |
| | Customs dues | 15,628,763.-- |
| 2. | Stamp revenues | 13,699,069.-- |
| 3. | Revenue from Government enterprises and properties | 46,524,610.-- |
| | Post and telegraphs | 44,665,964.-- |
| | Forests | 2,325,713.-- |
| | Receipts from prisoners' labor and manufactures | 1,386,872.-- |
| | Rent of public properties | 204,529.-- |
| | Hokkaido railway receipts | 810,472.-- |
| | Profits of Printing Bureau | 182,019.-- |
| | Profits of Monopoly Bureau | 9,610,011.-- |
| | " of Senju Cloth Factory | 3,246.-- |
| | Railway profits | 7,334,834.-- |
| | Profits of factory for manufacture of materials for telegraphs and lighthouses | 950.-- |
| 4. | Sundry receipts | 1,553,808.-- |
| | Licenses and fees | 30,167.-- |
| | Fines and confiscations | 584,087.-- |
| | Redemptions and money paid for breach of contracts | 263,515.-- |
| | Miscellaneous Customs recipts | 211,739.-- |
| | Miscellaneous receipts | 241,380.-- |
| | Receipts under provisions of the law for the relief of families of deceased Government officials | 175,770.-- |
| | Receipts on account of retired school officials etc | 42,804. |
| | Local revenue, Okinawa Ken | 3, 950.-- |
| | do do , Bonin Islands | 596.-- |
| 5. | Transferred from interest on deposits | 2,282,358.-- |

| | | |
|---|---|---|
| 6. | Transferred from funds for the redemption of Formosa Business Bonds ---------- | 860,070.-- |
| 7. | Transferred from Educational funds ---------- | 675,000.-- |
| | Total Ordinary Receipts | 201,247,095.--- |

EXTRAORDINARY RECEIPTS.

| | | |
|---|---|---|
| 1. | Sale of Government properties ---- | 1,068,055.-- |
| | Mines | 253,928.-- |
| | Lands | 23, 874.-- |
| | Buildings | 6,554.-- |
| | Chattels | 467,014.-- |
| | Ships | 261,826.-- |
| | Domestic animals | 54, 859.-- |
| 2. | Sundry Receipts ---------- | 67, 781.-- |
| | Repairs and articles manufactured by Navy Dep't | 62, 512.-- |
| | Reimbursements | 5, 269.-- |
| 3. | Receipts from Provinces---------- | 1,060,055.-- |
| 4. | Public loans ---------- | 29,862, 450.-- |
| 5. | Transferred from Indemnity ------- | 18,232,952.-- |
| 6. | do from Forestry Fund ----- | 1,799,440.-- |
| 7. | Donations ---------- | 185,000.-- |
| | For establishment of 2nd Higher Normal School - | 50,000.-- |
| | do 2nd Higher Commercial School | 25,000.-- |
| | do "Zoshikwan" (7th Higher Middle School) | 60,000.-- |
| | do School of Agriculture and Forestry | 50,000.-- |
| | Total Extraordinary Revenue | 52,276,333.--- |
| | Grand Total Revenue | 253,523,428.-- |

ORDINARY EXPENDITURES.

| | |
|---|---|
| The Imperial Household ---------- | 3,000,000.--- |

Foreign Office

| | |
|---|---|
| 1. Foreign Office ---------- | 162, 840.--- |
| Salaries and wages | 67,875.--- |
| Office expenses | 19,609.--- |
| Repairs | 4,681.--- |
| Pensions | 10.-- |
| Compensations and lawsuits | 10.-- |
| Travelling expenses | 3,658.--- |
| Miscellaneous salaries and expenses | 14,087.--- |
| Salaries, foreign employees | 10,000.--- |
| Telegrams | 40,000.--- |
| Reception expenses | 3,000.--- |
| 2. Legations and Consulates ---------- | 2,107,527.379 |
| Salaries | 1,202,662.--- |
| Office expenses | 113,957.--- |
| Repairs | 25,871.--- |
| Compensations and lawsuits | 10.-- |
| Travelling expenses | 107,498.--- |
| Mis'cl salaries and expenses | 57,996.--- |
| Salaries, foreign employees | 24,976.--- |
| Expenses of law courts and prisons | 3,154.--- |
| Control of subjects abroad | 112,643.--- |
| Rent of houses and lots | 116,093.379 |
| Telegrams | 71,374.--- |
| Reception expenses | 54,380.--- |
| Relief of Japanese abroad | 268.--- |
| Cemetaries | 206.--- |
| Students abroad | 16,439.--- |
| Secret service fund | 200,000.--- |
| Total, Foreign Office | 2,270,367.379 |

Home Office

| | |
|---|---|
| 1. Ise shrines ---------- | 50,000.--- |
| 2. Shrines and their festivals ------ | 223,478.--- |
| Shrines | 221,788.--- |
| Donations to festivals of national shrines | 1,690.--- |
| 3. Home Office. ---------- | 317,993.453 |
| Salaries and wages | 164,158.--- |
| Office expenses | 37,666.887 |
| Repairs | 4,400.--- |
| Pensions | 1.--- |
| Compensations and lawsuits | 134.--- |

| | | |
|---|---|---|
| | Travel | 39,492.415 |
| | Miscellaneous | 52,041.863 |
| | Opium expenses | 17,475.559 |
| | International copyright union | 2,623.729 |
| 4. | Sanitary Laboratory | 44,191.994 |
| | Salaries | 24,543.--- |
| | Office | 5,400.104 |
| | Repairs | 919.550 |
| | Pensions | 1.-- |
| | Compensations etc | 2.-- |
| | Travel | 540.07- |
| | Miscellaneous | 5,419.502 |
| | Experiment expenses | 7,366.768 |
| 5. | Serum Laboratory | 51,580.496 |
| | Salaries | 6,688.-- |
| | Office | 1,738.480 |
| | Repairs | 771.50- |
| | Pensions | 1.-- |
| | Compensations etc | 2.--- |
| | Travel | 336.360 |
| | Miscellaneous | 6,776.866 |
| | Preparationa nd distribution of serum | 35,266.290 |
| 6. | Vaccine Laboratory -------- | 88,616.006 |
| | Salaries | 11,390.-- |
| | Office | 3,949.85- |
| | Repairs | 684.50- |
| | Pensions | 1.-- |
| | Compensations etc | 2.-- |
| | Travel | 784.-- |
| | Miscellaneous | 3,266.974 |
| | Preparation and distribution of vaccine | 68,537.682 |
| 7. | Examinations of Physicians and Pharmacists ---------- | 82,562.599 |
| | Salaries | 4,204.-- |
| | Office | 5,071.193 |
| | Repairs | 1,200.-- |
| | Pensions | 1.--- |
| | Compensations etc | 2.--- |
| | Travel | 4,546.370 |
| | Miscellaneous | 29,619.75- |
| | Hospital expenses | 37,918.286 |
| 8. | Seaport Quarantine Offices -------- | 225,124.781 |
| | Salaries | 28,412.-- |
| | Office | 9,822.950 |
| | Repairs | 3,820.-- |
| | Pensions | 1.-- |
| | Compensations etc | 2.-- |

| | | |
|---|---|---|
| | Travel | 2,746.27- |
| | Miscellaneous | 17,832.668 |
| | Ships expenses | 5,350.-- |
| | Quarantine expenses | 157,137.893 |
| 9. | Infectious Diseases Investigation Office ---------- | 41,243.552 |
| | Salaries | 12,072.-- |
| | Office | 4,403.79- |
| | Repairs | 500.-- |
| | Pensions | 1.-- |
| | Compensations etc | 2.-- |
| | Travel | 179.04- |
| | Miscellaneous | 2,613.622 |
| | Investigations | 21,472.100 |
| 10. | Public Works Inspection Office | 110,575.077 |
| | Salaries | 59,819.-- |
| | Office | 4,803.-- |
| | Repairs | 1,287.-- |
| | Pensions | 64.-- |
| | Compensations etc | 4,692.-- |
| | Travel | 25,245.-- |
| | Miscellaneous | 6,710.077 |
| | Salaries of foreign employees | 6,840.-- |
| | Surveying | 1,115.-- |
| 11. | Metropolitan Police Office | 236,787.388 |
| | Salaries | 143,559.-- |
| | Office | 17,993.845 |
| | Repairs | 3,406.70- |
| | Pensions | 4.-- |
| | Compensations etc | 2.-- |
| | Travel | 8,727.450 |
| | Miscellaneous | 52,534.383 |
| | Special prizes | 7.-- |
| | Secret service fund | 9,000.--- |
| | Examination of manures | 1,553.01- |
| 12. | Prefectural Expenses | 6,209,505.454 |
| | Salaries | 2,305,063.--- |
| | Office | 283,455.281 |
| | Pensions | 568.-- |
| | Compensations | 16,009.-- |
| | Travel | 691,522.100 |
| | Miscellaneous | 290,398.833 |
| | Special prizes | 19,897.-- |
| | Yokohama warehouse for explosives | 13,413.125 |
| | Conscription expenses | 213,003.585 |
| | Rewards and relief | 217,599.-- |
| | Prevention of infectious diseases | 222,401.-- |
| | Salaries for foreign employees | 6,000.-- |
| | Refund of joint police expenses | 1,436,587.-- |
| | Disinfection stations and infectious diseases hospital | 139.051 |

| | | |
|---|---|---|
| | Public works | 50,220.941 |
| | Subsidy for local expenses | 203,765.538 |
| | Secret service fund | 100,000.--- |
| | Examination of weights and measures | 108,331.--- |
| | Deportation of prisoners and criminals to Formosa | 460.32- |
| | Examination of manures | 36,671.68- |
| 13. | Local Expenses | 259,716.519 |
| | Bonin Islands | 2o,498.617 |
| | Okinawa (LooChoo Islands) | 208,203.693 |
| | Police expenses of the Seven Islands of Izu | 6,226.442 |
| | Tsushima | 12,657.761 |
| | Oshima | 10,970.006 |
| | Secret service fund | 1,160.-- |
| 14. | Maintenance of Yokohama Harbor | 118,421,100 |
| | Salaries | 4,620.-- |
| | Office | 834.410 |
| | Repairs | 1,126.29- |
| | Pensions | 1.-- |
| | Compensations etc | 2.-- |
| | Travel | 685.88- |
| | Miscellaneous | 2,596.875 |
| | Maintenance of harbor | 108,554.645 |
| 15. | Preservation of Old Temples and Shrines ---------- | 150,000.--- |
| 16. | Government Railways in Hokkaido | 955,736.583 |
| | Salaries | 57,893.-- |
| | Pensions | 200.--- |
| | Compensations etc | 500.--- |
| | Miscellaneous reimbursements | 269,126.268 |
| | Expenses of works | 628,017.315 |
| | Total Home Office | 9,165,533.002 |

## Finance Department

| | | |
|---|---|---|
| 1. | Finance Department ---------- | 268,488.--- |
| | Salaries | 149,388.-- |
| | Office | 31,001.-- |
| | Repairs | 3,490.-- |
| | Pensions | 2.-- |
| | Compensations etc | 1,460.-- |
| | Travel | 25,050.-- |
| | Miscellaneous | 55,175.--- |
| | International Union for ppublication of Customs tariffs | 578.--- |
| | Committee for investigation of appeals relating to customs dues | 2,344.--- |

| | | |
|---|---|---|
| 2. | National Debts | 37,851,919.--- |
| | Capital, interest and commissions | 35,569,562.-- |
| | Interest on deposits | 2,282,357.--- |
| 3. | Rewards and Pensions | 4,887,327.--- |
| | Annual pensions with decorations | 1,024,269.--- |
| | Civil service pensions | 1,476,456.--- |
| | Military service pensions | 2,164,843.--- |
| | School masters pensions | 57,635.--- |
| | Pensions for Okinawa Ken | 143,124.--- |
| | Pensions for foreigners | 20,700.-- |
| | Special annuities | 300.--- |
| 4. | Cabinet | 229,906.998 |
| | Salaries | 105,895.--- |
| | Office expenses | 24,972.998 |
| | Repairs | 2,598.-- |
| | Pensions | 17.-- |
| | Travel | 1,390.-- |
| | Miscellaneous | 26,768.-- |
| | Meritorious service allowances | 18,266.-- |
| | Secret service fund | 50,000.--- |
| 5. | Privy Council | 132,776.--- |
| | Salaries | 123,644.-- |
| | Office | 3,280.— |
| | Repairs | 1,117.-- |
| | Travel | 593.— |
| | Miscellaneous | 4,142.-- |
| 6. | House of Peers | 584,727.188 |
| | Allowances to members | 513,205.— |
| | Salaries | 27,892.--- |
| | Office | 20,085.188 |
| | Repairs | 3,000.--- |
| | Travel | 150.--- |
| | Miscellaneous | 20,395.--- |
| 7. | House of Representatives | 688,292.66- |
| | Allowances to members | 611,498.— |
| | Salaries | 28,133.66- |
| | Office | 20,794.-- |
| | Repairs | 3,000.-- |
| | Travel | 60.--- |
| | Miscellaneous | 21,807.— |
| 8. | Board of Audit | 183,431.--- |
| | Salaries | 143,813.-- |
| | Office | 7,986.-- |
| | Repairs | 2,575.-- |
| | Travel | 14,883.-- |
| | Miscellaneous | 14,174.— |

| | | |
|---|---|---|
| 9. | Court of Administrative Litigation | 44,096.-- |
| | Salaries | 38,640.-- |
| | Office | 1,496.--- |
| | Repairs | 445.-- |
| | Travel | 424.-- |
| | Miscellaneous | 3,091.--- |
| 10. | Custom Houses | 599,799.945 |
| | Salaries | 303,871.-- |
| | Office | 81,218.945 |
| | Repairs | 24,222.--- |
| | Pensions | 8.--- |
| | Compensations etc | 332.--- |
| | Travel | 35,570.-- |
| | Miscellaneous | 151,101.--- |
| | Purchase of dutiable goods | 210.--- |
| | Care of articles left in custody and those not called for | 500.-- |
| | Prosecutions of violations of regulations | 100.--- |
| | Secret service fund | 2,667.--- |
| 11. | Collection of Internal Revenue | 3,298,046.--- |
| | Salaries | 1,439,077.-- |
| | Office | 255,190.--- |
| | Repairs | 5,007.-- |
| | Compensations etc | 245.-- |
| | Travel | 534,868.-- |
| | Miscellaneous | 477,839.--- |
| | Investigation of Income Tax | 127,802.-- |
| | Payments to cities and towns | 346,856.-- |
| | Collection of tax arrears and prosecution of violations | 24,885.-- |
| | Stamps and licenses | 84,069.-- |
| | Management of dutiable goods in Okinawa Ken | 2,208.-- |
| 12. | Civil Service Examinations | 3,620.85- |
| | Office | 565.--- |
| | Repairs | 50.-- |
| | Miscellaneous | 3,005.85- |
| 13. | Board of Discipline for Civil Officials | 1,000.--- |
| | Office | 472.-- |
| | Miscellaneous | 528.--- |
| 14. | Management of National Funds | 825,855.--- |
| | Management of funds in the Treasury and investigation of circulation | 790,246.-- |
| | Printing of orders, cheques, and bonds | 33,370.-- |
| | Miscellaneous expenses connected with national debts | 2,239.-- |

| | | |
|---|---|---|
| 15. | Miscellaneous Reimbursements and deficits | 329,026.-- |
| | Miscellaneous reimbursements | 314,920.-- |
| | Deficits | 14,106.-- |
| 16. | Payments connected with the exportation of manufactured tobacco | 72,365.-- |
| 17. | Treasury Reserves | 3,000,000.--- |
| | First Reserve | 1,000,000.--- |
| | Second Reserve | 2,000,000.--- |
| | Total, Finance Department | 52,997,676.641 |

War Department.

| | | |
|---|---|---|
| 1. | War Office | 242,572.054 |
| | Salaries | 160,333.--- |
| | Office | 29,393.386 |
| | Repairs | 1,416.596 |
| | Travel | 10,409.534 |
| | Miscellaneous | 17,934.11- |
| | allowances | 5,538.-- |
| | Clothing | 120.--- |
| | Horses | 17,427.428 |
| 2. | Military Expenses | 36,372,419.337 |
| | Salaries | 10,242,559.819 |
| | Office | 739,666.673 |
| | Repairs | 780,369.045 |
| | Pensions | 6,922.35- |
| | Compensations etc | 2,709.70- |
| | Travel | 1,199,100.039 |
| | Miscellaneous | 1,181,350.31- |
| | allowances | 613,592.85- |
| | Allowances of officers abroad | 109,138.-- |
| | Food | 7,562,516.100 |
| | Clothing | 4,111,822.935 |
| | Arms and ammunition | 3,490,722.677 |
| | Horses | 3,189,207.364 |
| | Manoeuvres | 1,162,522.94- |
| | Medical attendance | 395,361.159 |
| | Army supplies | 895,571.909 |
| | Pensions to retired soldiers | 70.-- |
| | Prison expenses | 44,622.797 |
| | Military maps | 6,545.904 |
| | Guarding Imperial processions | 1,215.-- |
| | Transportation | 515,231.766 |
| | Secret service fund | 121,600.-- |

| | | |
|---|---|---|
| 3. | Gendarmerie | 1,121,191.192 |
| | Salaries | 505,442.351 |
| | Office | 57,270.892 |
| | Repairs | 8,953.28- |
| | Pensions | 832.-- |
| | Compensations etc | 179.09- |
| | Travel | 110,809.205 |
| | Miscellaneous | 129,657.758 |
| | Miscellaneous allowances | 29,980.500 |
| | Food | 120,450.450 |
| | Clothing | 46,123.853 |
| | Arms and ammunition | 19,890.550 |
| | Horses | 57,681.533 |
| | Prison expenses | 7,485.730 |
| | Secret service fund | 26,434.-- |
| 4. | Colonial Troops | 257,755.868 |
| | Salaries | 71,235.20- |
| | Office | 1,191.85- |
| | Repairs | 1,000.--- |
| | Travel | 9,245.279 |
| | Miscellaneous | 7,546.73- |
| | allowances | 10,015.46- |
| | Food | 105,173.26- |
| | Clothing | 8,880.087 |
| | Arms and ammunition | 16,111.795 |
| | Horses | 3,498.409 |
| | Manoeuvres | 12,847.80- |
| | Medical attendance | 4,605.006 |
| | Army supplies ( military ) | 6,404.992 |
| 5. | Donation to Yasukuni Shrine | 7,550.-- |
| | Total, War Department | 38,001,488.451 |

## Navy Department

| | | |
|---|---|---|
| 1. | Navy Office | 184,468.07- |
| | Salaries | 138,065.50- |
| | Office | 16,276.50- |
| | Repairs | 3,505.-- |
| | Pensions | 10.-- |
| | Compensations etc | 20.-- |
| | Travel | 8,170.69- |
| | Miscellaneous | 18,420.38- |
| 2. | Naval Expenses | 19,976,542.372 |
| | Salaries | 5,235,087.-- |
| | Office | 301,559.02- |
| | Repairs | 113,285.33- |
| | Pensions | 2,724.-- |
| | Compensations etc | 115.-- |

| | |
|---|---|
| Travel | 406,508.83- |
| Miscellaneous | 258,123.251 |
| allowances | 245,782.31- |
| Expenses of officers abroad | 106,995.36- |
| Food | 2,109,153.807 |
| Clothing | 1,082,317.408 |
| Manufacture and repair of arms | 3,463, 536,12 |
| Construction and repair of ships | 2,729,979.537 |
| Manoeuvres | 165,483.-- |
| Medical attendance | 96,741.744 |
| Naval and strategic ports | 173,547.--- |
| Care of men-of-war | 3,110,673.526 |
| Relief funds | 161,708.90- |
| Prison expenses | 4,394.832 |
| Hydrographical expenses | 100,312.157 |
| Salaries for foreign employees | 20,514.24- |
| Secret service fund | 38,000.--- |
| Contingency fund | 50,000.--- |
| Total, Navy Department | 20,161,010.442 |

## Department of Justice

| | | |
|---|---|---|
| 1. | Department of Justice | 138,491.902 |
| | Salaries | 81,828.--- |
| | Office | 22,711.324 |
| | Repairs | 1,430.-- |
| | Pensions | 7.-- |
| | Compensations etc | 55.-- |
| | Travel | 6,966.94- |
| | Miscellaneous | 15,831.282 |
| | Salaries for foreign employees | 4,240.— |
| | Examinations for judges etc | 5,422.356 |
| 2. | Courts of Justice | 4,928,432,903 |
| | Salaries | 2,793,856.184 |
| | Office | 532,923.843 |
| | Repairs | 67,206.043 |
| | Pensions | 27.-- |
| | Compensations etc | 847.-- |
| | Travel | 166,211.208 |
| | Miscellaneous | 827,776.625 |
| | Expenses of law courts | 208,964.-- |
| | Registration papers and public notifications | 326,181.-- |
| | Secret service fund | 4,440.--- |
| 3. | Penitentiaries | 885,128.884 |
| | Salaries | 42,707.--- |
| | Office | 19,669.628 |
| | Repairs | 14,686.531 |
| | Pensions | 44.-- |
| | Compensations etc | 4.-- |
| | Travel | 25,207.89- |

| | |
|---|---|
| Miscellaneous | 296,270.475 |
| Prisoners' expenses | 486,539.36- |
| Local Prisons | 4,869,321.355 |
| Salaries | 250,985.-- |
| Office | 176,179.825 |
| Repairs | 74,813.225 |
| Pensions | 361.-- |
| Compensations etc | 2.-- |
| Travel | 75,219.887 |
| Miscellaneous | 1,995,874.092 |
| Prisoners' expenses | 2,295,886.326 |
| Total, Department of Justice | 10,821,375.044 |

## Department of Education

| | |
|---|---|
| Department of Education | 442,319.471 |
| Salaries | 84,770.-- |
| Office | 12,851.156 |
| Repairs | 3,150.-- |
| Pensions | 3.-- |
| Compensations etc | 7.-- |
| Travel | 14,257.244 |
| Miscellaneous | 20,674.07- |
| Higher Educational Council | 4,865.704 |
| Investigation of Sanitary condition of schools | 3,286.-- |
| Compilation of books | 14,820.-- |
| Examimation of school teachers | 6,315.-- |
| International Union for compilation of list of publications | 5,538.38- |
| Imperial Academy (Association of scholars) | 2,110.557 |
| Students expenses | 266,803.36- |
| International Institute of Survey | 2,868.-- |
| Earthquake Investigation Association | 28,895,98- |
| Repairs | 1,167.-- |
| Pensions | 1.-- |
| Compensations etc | 2.-- |
| Investigation expenses | 27,725.98- |
| Committee of Survey | 10,692.26- |
| Pensions | 1.-- |
| Compensations etc | 2.-- |
| Investigations | 10,689.26- |

| | | |
|---|---|---|
| 4. | Central Meteorological Observatory | 38,807.317 |
| | Salaries | 11,629.333 |
| | Office | 14,561.134 |
| | Repairs | 1,005.30- |
| | Pensions | 1.-- |
| | Compensations etc | 2.-- |
| | Travel | 1,890.95- |
| | Miscellaneous | 6,820.800 |
| | Telegrams | 2,896.800 |
| 5. | Latitude Observatory | 5,757.24- |
| | Salaries | 3,680.-- |
| | Office | 938.700 |
| | Repairs | 200.-- |
| | Pensions | 1.-- |
| | Compensations etc | 2.-- |
| | Travel | 155.04- |
| | Miscellaneous | 780.500 |
| 6. | Subsidies to Schools and Libraries | 2,218,669.018 |
| | Tokyo Imperial University | 750,693.734 |
| | Kyoto " " | 385,937.98- |
| | Higher Normal School | 165,847.540.-- |
| | Female do do | 77,623,984 |
| | Sapporo Agricultural College | 39,851.707 |
| | Higher Commercial School | 57,218.25- |
| | First Higher School | 64,115.35- |
| | Second " " | 47,381.055 |
| | Third " " | 45,610.92- |
| | Fourth " " | 43,957.395 |
| | Fifth " " | 69,844.75- |
| | Sixth " " | 31,333.40- |
| | Yamaguchi " " | 11,169.-- |
| | First Higher Medical School | 26,135.912 |
| | Second " " " | 25,998.364 |
| | Third " " " | 28,076.831 |
| | Fourth " " " | 26,204.736 |
| | Fifth " " " | 28,856.695 |
| | Tokyo Technical School | 74,758.091 |
| | Tokyo Foreign Language School | 45,275.200 |
| | Tokyo Fine Arts School | 43,339.516 |
| | Tokyo Music School | 30,786.452 |
| | Osaka Technical School | 60,525.469 |
| | Tokyo Blind and Dumb School | 11,004.46- |
| | Imperial Library | 28,122.227 |
| 7. | Local Educational Inspection | 176,186.92- |
| | Salaries | 109,180.-- |
| | Office | 6,120.-- |
| | Pensions | 1.-- |
| | Compensations etc | 2.-- |
| | Travel | 49,412.60- |
| | Miscellaneous | 11,471.32- |

| | | |
|---|---|---|
| 8. | Directors of Local Normal Schools | 54,250.-- |
| 9. | Common Education | 1,500,000.--- |
| | Distributions from Educational Fund | 500,000.-- |
| | Subsidies to primary schools | 1,000,000.--- |
| 10. | Encouragement of Industrial Education | 250,000.--- |
| | Subsidies | 218,750.-- |
| | Education of industrial teachers | 31,250.-- |
| | Total, Education Department | 4,725,578.206 |

Department of Agriculture and Commerce

| | | |
|---|---|---|
| 1. | Department proper | 382,660.392 |
| | Salaries | 190,294.-- |
| | Office | 32,898.279 |
| | Repairs | 4,951.200 |
| | Pensions | 7.-- |
| | Compensations etc | 967.-- |
| | Travel | 25,877.12- |
| | Miscellaneous | 25,325.97- |
| | International Weights and Measures | 2,108.-- |
| | Standard weights and measures | 20,024.41- |
| | Geological survey and maps | 19,970.-- |
| | Investigations and experiments | 27,803.-- |
| | Commercial museum exhibits | 21,754.85- |
| | Higher Council of Agriculture and Industry | 2,960.-- |
| | International Union for Protection of Industrial Property | 1,814.063 |
| | Preservation of forests | 4,530.-- |
| | Sample museum | 1,375.500 |
| 2. | Local Forestry Offices | 1,005,954.254 |
| | Salaries | 411,476.-- |
| | Office | 94,610.13- |
| | Repairs | 10,010.-- |
| | Pensions | 60.-- |
| | Compensations etc | 7,230/-- |
| | Travel | 153,919.86- |
| | Miscellaneous | 27,690.18- |
| | Planting forests and disposal of forest products | 300,958.084 |
| 3. | Office for Superintending Mines | 174,423.55- |
| | Salaries | 92,334.-- |
| | Office | 24,444.900 |

| | | |
|---|---|---|
| | Repairs | 990.-- |
| | Pensions | 10.-- |
| | Compensations | 600.-- |
| | Travel | 41,158.900 |
| | Miscellaneous | 14,885.75- |
| 4. | Agricultural Experiment Stations | 132,067.79- |
| | Salaries | 47,532.-- |
| | Office | 2,118.42- |
| | Repairs | 1,023.-- |
| | Pensions | 10.-- |
| | Compensations | 5.-- |
| | Travel | 8,722.600 |
| | Miscellaneous | 4,119.400 |
| | Working expenses | 56,537.37- |
| | Salaries for foreign employees | 12,000.--- |
| 5. | Training School for Marine Products | 55,494.98- |
| | Salaries | 15,620.-- |
| | Office | 2,422.300 |
| | Repairs | 1,000.-- |
| | Pensions | 2.-- |
| | Compensations etc | 2.-- |
| | Travel | 5,085.94- |
| | Miscellaneous | 3,328.200 |
| | Enterprises | 28,034.540 |
| 6. | Training School for Sericulture | 45,896.200 |
| | Salaries | 12,996.--- |
| | Office | 1,934.--- |
| | Repairs | 2,531.--- |
| | Pensions | 3.--- |
| | Compensations etc. | 3.--- |
| | Travel | 1,739.--- |
| | Miscellaneous | 1,807.750 |
| | Enterprises | 24,818.450 |
| 7. | Office for Examining Silks | 60,86L.200 |
| | Salaries | 16,027.500 |
| | Office | 2,200.-- |
| | Repairs | 660.-- |
| | Pensions | 5.-- |
| | Compensations etc | 5.-- |
| | Travel | 1,400.45- |
| | Miscellaneous | 10,580.25- |
| | Enterprises | 29,983.-- |
| 8. | Improvement of Horses | 241,511.64- |
| | Salaries | 24,600.-- |
| | Office | 3,322.11- |
| | Repairs | 1,830.-- |
| | Pensions | 30.-- |
| | Compensations etc | 60.-- |

| | | |
|---|---|---|
| | Travel | 17,465.33- |
| | Miscellaneous | 7,486.700 |
| | Enterprises (working expenses) | 186,717.50- |
| 9. | Improvement of Cattle for Breeding Purposes | 61,479.05- |
| | Salaries | 3,108.-- |
| | Office | 800.-- |
| | Repairs | 200.-- |
| | Pensions | 3.-- |
| | Compensations etc | 3.-- |
| | Travel | 4,110.25- |
| | Miscellaneous | 2,722.500 |
| | Enterprises (working expenses) | 50,532.300 |
| 10. | Industrial Experiment Station | 27,401.-- |
| | Salaries | 12,306.-- |
| | Office | 1,350.-- |
| | Pensions | 6.-- |
| | Travel | 562.-- |
| | Miscellaneous | 3,018.-- |
| | Working Expenses | 10,160.-- |
| 11. | Examinations | 185,257.63- |
| | Examination of brood cattle | 11,383.22- |
| | " " silkworm eggs | 112,000.-- |
| | " " " " in Hokkaido | 11,703.68- |
| | " " imported cattle etc | 11,276.23- |
| | " " manures | 38,894.500 |
| 12. | Subsidies | 160,000.-- |
| | To agricultural societies | 80,000.-- |
| | To local experiment stations, schools etc | 80,000.-- |
| | Total, Dep't Agriculture and Commerce | 2,533,007.686 |

Department of Communications

| | | |
|---|---|---|
| 1. | Department Proper | 246,937.256 |
| | Salaries | 133,281.775 |
| | Office | 29,116.631 |
| | Repairs | 2,786.182 |
| | Pensions | 52.--- |
| | Compensations etc. | 51.695 |
| | Travel | 35,450.206 |
| | Miscellaneous | 45,998.767 |
| | Subsidy to the International Railway Union | 200.--- |

| | | |
|---|---|---|
| 2. | Communications | 18,945,903.844 |
| | Salaries | 2,159,776.374 |
| | Repairs | 55,114.828 |
| | Pensions | 2,169.641 |
| | Compensations etc. | 4,142.023 |
| | Travel | 364,424.270 |
| | Salaries for foreign employees | 6,600.-- |
| | International Post and Telegraph Union | 55,737.107 |
| | Communications | 14,623,398.254 |
| | Miscellaneous reinbursements | 1,683,541.347 |
| 3. | Nautical Signals | 280,112.581 |
| | Salaries | 114,085.--- |
| | Repairs | 708.75- |
| | Pensions | 852.578 |
| | Compensations etc. | 5.--- |
| | Travel | 9,570.880 |
| | Nautical Signals | 154,890.373 |
| 4. | Expenses for marines of vessels | 172,989.880 |
| | Salaries | 105,683.111 |
| | Office | 27,443.108 |
| | Repairs | 629.200 |
| | Pensions | 10.--- |
| | Compensations etc. | 3.--- |
| | Travel | 12,219.660 |
| | Miscellaneous | 23,502.927 |
| | Judicial expenses | 1,693.86- |
| | Shipwrecks | 1,805.014 |
| 5. | Harbor Expenses | 124,180.63- |
| | Salaries | 35,680.-- |
| | Office | 6,907.134 |
| | Repairs | 1,800.-- |
| | Pensions | 15.-- |
| | Compensations etc | 15.-- |
| | Travel | 2,474.42- |
| | Miscellaneous | 42,621.147 |
| | Harbor and Bay expenses | 25,667.929 |
| | Foreign employees | 9,000.-- |
| 6. | Mercantile Marine School | 133,969.246 |
| | Salaries | 38,804.333 |
| | Office | 23,841.697 |
| | Repairs | 531.28- |
| | Pensions | 6.-- |
| | Compensations etc | 3.-- |
| | Travel | 1,527.56- |
| | Miscellaneous | 14,923.928 |
| | Students expenses | 31,246.015 |
| | " " abroad | 10,905.433 |
| | Training at sea | 12,000.--- |

| | | |
|---|---|---|
| 7. | Tokyo Post and Telegraph School | 71,547.098 |
| | Salaries | 18,029.667 |
| | Office | 15,401.724 |
| | Repairs | 1,042.528 |
| | Pensions | 5.-- |
| | Compensations etc | 3.-- |
| | Travel | 811.38- |
| | Miscellaneous | 12,520.516 |
| | Students' expenses | 23,733.283 |
| | Total, Dep't of Communications | 19,984,640.535 |
| | Grand Total, Ordinary Expenditures | 163,660,677.386 |

## EXTRAORDINARY EXPENDITURES.

### Foreign Office

| | | |
|---|---|---|
| 1. | Buildings and Repairs | 18,481.-- |
| | Repairs of Consulate at Chefoo | 8,000.-- |
| | Reconstruction of legation in Korea,-- plans | 3,000.-- |
| | Repairs | 7,481.-- |
| 2. | Removal of Consulates and Legations | 6,928.30- |
| 3. | Construction of Consulates and Legations | 21,000.-- |
| | Total , Foreign Office | 46,409.300 |

### Home Office

| | | |
|---|---|---|
| 1. | Subsidies. | 1,607,094.06- |
| | Protection of embankments | 200,000.-- |
| | Navigation to Bonin Islands | 17,200.-- |
| | " " Oshima Islands | 18,000.-- |
| | Tokyo Water works | 150,000.-- |
| | Osaka do do | 50,000.-- |
| | Kobe do do | 100,000.-- |
| | Repair of roads, Kumamoto Ken | 12,000.-- |
| | Repairs, Nagasaki Harbor | 200,000.-- |
| | Navigation to minor Bonin Is. | 900.-- |
| | " " Oki Province | 6,000.-- |
| | Reconstruction and preservation of Miyazaki Shrine | 15,000.-- |
| | do do of Kashii Shrine | 8,000.-- |
| | Navigation to Sakijima, Okinawa Ken | 10,000.-- |
| | " " minor Is. of do | 6,000.-- |
| | Repairs of roads, Oita Ken | 9,707.-- |
| | Nagasaki Water works | 83,500.-- |
| | Shimonoseki do | 40,000.-- |
| | Okayama do | 39,400.-- |
| | Dredging Wakamatsu Harbor | 90,000.-- |
| | Repair of roads, Kyoto Fu | 80,000.-- |
| | Construction of Osaka Harbor | 468,000.-- |
| | Repair of Shokonsha (militrary temple) cemeteries | 3,387.06- |
| 2. | Public Works | 3,537,566.66- |
| | Salaries | 106,806.-- |
| | Office | 22,273.817 |
| | Pensions | 178.-- |
| | Travel | 65,863.51o |

| | | |
|---|---|---|
| | Miscellaneous | 52,938.517 |
| | Buildings and repairs | 5,361.748 |
| | Investigations | 41,322.222 |
| | Repairs, Tonè River | 672,354.497 |
| | do Mogami do | 60,000.-- |
| | do Shinano do | 10,000.--- |
| | do Kiso do | 283,000.--- |
| | do O-i do | 121,424.-- |
| | do Abukuma | 45,905.349 |
| | do Yodo do | 391,300.-- |
| | do Chikugo do | 171,000.--- |
| | do Sho do | 687,000.--- |
| | do Kuzuryu do | 695,000.--- |
| | do Agano do | 400.-- |
| | do Yoshino do | 439.-- |
| | do Kitagami do | 75,000.--- |
| | Embankments, Yodo River | 30,000.--- |
| 3. | Buildings and Repairs | 166,283.706 |
| | Equipment of dredging steamer, Yokohama Harbor | 46,971.39- |
| | Constructions | 79,815.295 |
| | Repairs | 39,497.021 |
| 4. | Office for Building Isè Shrines | 17,304.526 |
| | Salaries | 9,900.-- |
| | Office | 1,208.886 |
| | Repairs | 50.-- |
| | Pensions | 1.-- |
| | Compensations | 2.-- |
| | Travel | 2,911.84- |
| | Miscellaneous | 3,230.700 |
| 5. | Construction, Hokkaido Railways | 1,000,000.--- |
| | "First period" railways | 998,722.726 |
| | Survey | 1,277.274 |
| 6. | Police and Jailers' School | 97,030.69- |
| | Salaries | 13,104.-- |
| | Office | 3,435.800 |
| | Repairs | 500.-- |
| | Pensions | 1.-- |
| | Compensations | 2.-- |
| | Travel | 11,896.14- |
| | Miscellaneous | [illegible] |
| | | 41,091.75- |
| | Foreign employees | 27,000.-- |
| 7. | Management of Forests of Bonin Is. | 5,288.-- |
| 8. | Deficit in Formosa | 6,486,689.50- |
| | Deficit in budget | 2,386,689.500 |
| | " in public loans | 4,100,000.--- |

| | | |
|---|---|---|
| 9. | Association for Investigation of Japanese Pharmacopoeia | 6,191. |
| 10. | Fund for Materials, Hokkaido Gov't Railways | 50,000.--- |
| | Total, Home Ofice | 12,973,448.142 |

## Finance Department

| | | |
|---|---|---|
| 1. | Subsidies | 1,472,645.057 |
| | Japan Hypothec Bank | 38,645.057 |
| | Agricultural and Industrial Banks | 500,000.-- |
| | Formosan Bank | 250,000.--- |
| | Colonial Bank, Hokkaido | 200,000.--- |
| | Japan Industrial Bank | 62,500.-- |
| | Relief Fund | 421,500.-- |
| 2. | Preparing and Issuing Public Loan Bonds | 159,428.-- |
| 3. | Building and Repairs | 787,650.645 |
| | Recaliming Harbor atbYokohama Customs | 614,774.-- |
| | Wharf at Kobe Customs | 63,500.-- |
| | New constructions | 53,023.265 |
| | Repairs | 56,353.38- |
| 4. | Investigation of Codes Committee | 39,040.-- |
| | Office | 1,620.-- |
| | Repairs | 120.-- |
| | Miscelalneous | 37,300.-- |
| 5. | Investigation of Management of Capitalized Pensions | 36,949.48- |
| | Salaries | 22,600.-- |
| | Offfce | 8,194.-- |
| | Repairs | 300.-- |
| | Travel | 1,500.-- |
| | Miscellaneous | 4,355.48- |
| 6. | Com. for Investigation the Construction of New Parliament Buildings | 8,357.-- |
| 7. | Repairs etc, Printing Bureau | 258,759.-- |
| | Improvement of machinery | 171,556.-- |
| | Repair of workshops etc | 87,203.-- |

| | | |
|---|---|---|
| 8. | Land Office ,Okinawa Ken | 213,529.-- |
| | Salaries | 28,600.-- |
| | Works | 184,929.-- |
| 9. | Enlargement, Printing Bureau | 164,630.-- |
| | Machines | 109,630.-- |
| | Workshops | 55,000.-- |
| | Total, Finance Department | 3,140,988.182 |

War Department

| | | |
|---|---|---|
| 1. | Construction of Forts | 5,709,434.879 |
| | Tokyo Bay | 548,653.355 |
| | Shimonoseki | 86,536.346 |
| | Kii-Awaji Channel | 179,135.-- |
| | Naruto Channel | 8,240.28- |
| | Kure | 232,669.492 |
| | Aki-Iyo Channel | 41,560.857 |
| | Sasebo | 139,681.355 |
| | Tsushima | 247,386.205 |
| | Nagasaki | 45,512.300 |
| | Maizuru | 111,334.409 |
| | Hakodate | 113,806.916 |
| | Keelung | 384,200.-- |
| | Pescadores | 238,550.-- |
| | Arms and ammunition | 3,332,168.364 |
| 2. | Building and Repairs | 52,378.013 |
| 3. | Survey | 248,922.007 |
| | Salaries | 39,372.-- |
| | Office | 370.534 |
| | Miscellaneous | 2,000.-- |
| | allowances | 738.-- |
| | Survey | 206,441.473 |
| 4. | Buidding, Repairs and First Purchase of Equipment | 3,214,321.874 |
| | do do do | 3,195,008.708 |
| | New offices etc, Keelung | 19,313.166 |
| 5. | Manufacture of Arms. | 1,642,000.-- |
| 6. | Extraordinary Building Section | 47,592.419 |
| | Salaries | 29,181.200 |
| | Office | 4,235.433 |
| | Pensions | 15.-- |
| | Compensations etc. | 15.-- |
| | Travel | 7,895.775 |

| | | |
|---|---|---|
| | Miscellaneous | 4,833.390 |
| | Miscellaneous allowances | 588.600 |
| | Horses | 828.021 |
| 7. | Expenses for subduing the raiders in Formosa | 50,000.--- |
| 8. | Special Troops | 249,818.867 |
| | Salaries | 72,922.620 |
| | Office | 10,623.355 |
| | Pensions | 190.--- |
| | Travel | 29,015.410 |
| | Miscellaneous | 51,563.650 |
| | Miscellaneous allowances | 3,736.800 |
| | Food | 43,744.832 |
| | Clothing | 12,715.099 |
| | Arms and ammunition | 11,142.496 |
| | Horses | 10,279.269 |
| | Medical attendance | 1,185.336 |
| | Constructions | 1,500.--- |
| | Secret service fund | 1,200.--- |
| 9. | Unfinished Business of the China War | 19,561.184 |
| 10. | Compilation of the History of the China War | 50,831.691 |
| 11. | Special Rewards to Soldiers | 270,000.-- |
| | Total, War Department | 11,554,860.934 |

Navy Department

| | | |
|---|---|---|
| 1. | Public Works,- Establishment of Arsenal | 441,500.-- |
| 2. | Building and repairs | 74,316.700 |
| 3. | do do by Special Commission | 40,784.--- |
| 4. | Despatching Workmen Abroad | 32,373.-- |
| 5. | Hydrographical Survey | 38,872.614 |
| 6. | Expansion of Navy | 15,631,259.483 |
| | Construction of vessels | 9,433,212.084 |
| | Manufacture of arms | 4,258,803.934 |
| | Buildings | 1,939,243.465 |
| 7. | Shipbuilding Materials | 100,000.-- |

| | | |
|---|---|---|
| | Miscellaneous | 4,833.390 |
| | Miscellaneous allowances | 588.600 |
| | Horses | 828.021 |
| 7. | Expenses for subduing the raiders in Formosa | 50,000.--- |
| 8. | Special Troops | 249,818.867 |
| | Salaries | 72,922.620 |
| | Office | 10,623.355 |
| | Pensions | 190.--- |
| | Travel | 29,015.410 |
| | Miscellaneous | 51,563.650 |
| | Miscellaneous allowances | 3,736.800 |
| | Food | 43,744.832 |
| | Clothing | 12,715.099 |
| | Arms and ammunition | 11,142.496 |
| | Horses | 10,279.269 |
| | Medical attendance | 1,185.336 |
| | Constructions | 1,500.--- |
| | Secret service fund | 1,200.--- |
| 9. | Unfinished Business of the China War | 19,561.184 |
| 10. | Compilation of the History of the China War | 50,831.691 |
| 11. | Special Rewards to Soldiers | 270,000.-- |
| | Total, War Department | 11,554,860.934 |

Navy Department

| | | |
|---|---|---|
| 1. | Public Works,- Establishment of Arsenal | 441,500.-- |
| 2. | Building and repairs | 74,316.700 |
| 3. | do do by Special Commission | 40,784.--- |
| 4. | Despatching Workmen Abroad | 32,373.-- |
| 5. | Hydrographical Survey | 38,872.614 |
| 6. | Expansion of Navy | 15,631,259.483 |
| | Construction of vessels | 9,433,212.084 |
| | Manufacture of arms | 4,258,803.934 |
| | Buildings | 1,939,243.465 |
| 7. | Shipbuilding Materials | 100,000.-- |

| | | |
|---|---|---|
| 8. | Extraordinary Building Section | 53,929.07- |
| | Salaries | 37,571.08- |
| | Office | 3,458.35- |
| | Travel | 5,645.20- |
| | Miscellaneous | 6,826.900 |
| | " allowances | 69.54- |
| | Clothing | 8.-- |
| | Medical attendance | 350.-- |
| 9. | Special Rewards | 1,200.-- |
| 10. | Reconstruction of Engineering School | 2,358.-- |
| 11. | Publishing Books and Maps for Sale | 6,000.--- |
| 12. | Enlargement of Kure Arsenal | 531,662.53- |
| | Total, Navy Department | 16,954,255.397 |

Dep't of Justice

| | | |
|---|---|---|
| 1. | Building and Repairs | 546,875.981 |
| | Kobe local court and land rent | 97,574.-- |
| | Construction Kaji-bashi Prison | 80,000.--- |
| | " Chiba Ken " | 60,000.-- |
| | " Nagasaki Ken " | 60,000.--- |
| | " Kagoshima Ken " | 40,000.--- |
| | " Ishikawa Ken " | 30,000.--- |
| | " Nara ven " | 30,000.--- |
| | New construction | 128,554.65- |
| | Repairs | 20,747.331 |

Dep't of Education

| | | |
|---|---|---|
| 1. | Building and Repairs | 1,030,590.81- |
| | Reconstruction Medical etc lecture rooms, Tokio Imp'l Univ. | 57,253.-- |
| | do anatomical etc do do | 95,000.--- |
| | Construction lecture rooms for chemistry, pharmacy etc do do | 64,295.-- |
| | do do Law College do do | 32,368.-- |
| | do do Agricultural College | 77,668.-- |
| | Endargement lecture rooms, Tech. Sc'l College | 40,000.-- |
| | Water pipes, Kyoto University | 33,816.-- |
| | Lecture rooms, Law College, do | 20,000.-- |
| | do do Medical College, do | 30,000.-- |
| | Reconstruction, Higher Normal School | 226,910.-- |
| | Enlargement, Female do do do | 37,355.-- |
| | Sapporo Agricultural College | 80,000:-- |
| | Tokio Technical School | 108,000.-- |
| | New constructions | 111,984.018 |
| | Repairs | 15,941.792 |

| | | |
|---|---|---|
| 2. | Construction and equipment | 54,608.89- |
| | Examination for teachers | 3,300.-- |
| | Committee on Geological Survey | 27,066.-- |
| | Central Observatory | 993.89- |
| | Tokyo Imp'l University | 10,765.-- |
| | Sapporo Agricultural College | 10,000.-- |
| | 5th Higher School | 1,384.-- |
| | 5th Higher Medical School | 1,100.-- |
| 3. | New Constructions, Kyoto Univ. | 295,073.-- |
| | New construction | 275,460.-- |
| | Equipment | 19,613.-- |
| 4. | New Construction, 2nd Higher Normal School | 50,000.-- |
| 5. | Establishment 2nd Higher Commercial School | 25,000.-- |
| 6. | do 7th Higher School | 60,000.-- |
| 7. | do Higher Technical School | 50,000.-- |
| | Establishment | 40,000.-- |
| | Equipment | 10,000.-- |
| 8. | Higher School of Agriculture and Forestry | 50,000.-- |
| 9. | Establishment Imperial Library | 40,000.-- |
| | Establishment | 29,200.-- |
| | Equipment | 10,800.-- |
| 10. | Historical Investigation and Publication, Imp'l Univ. | 20,464.500 |
| 11. | Extraordinary School Expenditures | 99,043.632 |
| | Scientific expeditions, Imp'l Univ. | 5,383.732 |
| | Books and machines | 20,000.-- |
| | Solar Eclipse expedition | 6,009.900 |
| | Machines etc, Tokyo Tech. School | 37,650.-- |
| | Books, machines etc, Osaka Tech. Sch'l | 30,000.-- |
| 12. | Subsidy to Japan Physical Culture Society | 10,000.--- |
| | Total, Dep't of Education | 1,784,780.832 |

## Dep't of Agriculture and Commerce

| | | |
|---|---|---|
| 1. | Local Competitive Exhibitions | 30,032.300 |
| 2. | Expansion of Foreign Trade | 113,332.-- |
| | Assistance to business students | 46,828.-- |
| | Exhibitions of samples of merchandize | 22,172.88- |
| | Study of Commercial conditions | 34,081.12- |
| | Reports on above | 10,250.-- |
| 3. | Establishment of New Iron Foundry | 5,335,155.-- |
| | Business expenses | 332,187.-- |
| | Factory expenses | 2,322,868.-- |
| | Iron mines | 80,000.-- |
| | Experimental manufacture | 100.-- |
| | Subsidy to construction of Wakamatsu Harbor | 100,000.-- |
| | Capital funds | 2,500,000.-- |
| 4. | Paris Exposition Expenses | 29,211.27- |
| 5. | Encouragement of Deep-sea Fishing | 78,000.-- |
| | Subsidies | 69,200.-- |
| | Superintence and education of students | 8,800.-- |
| 6. | Subsidies | 90,000.-- |
| | Extension of tea trade | 70,000.--- |
| | Osaka Commercial Museum | 10,000.-- |
| | Fishery Assoc'n union in Korean Seas | 10,000.-- |
| 7. | Building and Repairs | 408,955.35- |
| | Establishment of Training School for Marine Products | 55,468.-- |
| | Construction of vessels | 5,520.-- |
| | New constructions | 240,959.45- |
| | Repairs | 22,880.-- |
| | Equipment for Sample Museums | 5,000.-- |
| | Machines etc for Training School for Marine Products | 25,259.900 |
| | Equipment Yokohama Silk Examination Office | 33,868.-- |
| 8. | Investigation of Salt Manuacture | 63,430.58- |
| | Salaries | 1o,488.-- |
| | Investigations | 750.700 |
| | Works | 52,191.88- |
| 9. | Management of State Forests and Plains | 1,799,440.-- |
| | Salaries | 218,303.-- |
| | Repairs | 9,000.-- |
| | Pensions | 30.-- |
| | Compensation etc | 1,000.-- |

| | | |
|---|---|---|
| | Travel | 157,874.200 |
| | Works | 1,413,232.800 |
| 10. | Investigation of land titles | 58,951.-- |
| | Salaries | 32,540.-- |
| | Office | 2,628.-- |
| | Compensations etc | 1,800.-- |
| | Travel | 20,061.-- |
| | Miscellaneous | 1,922.-- |
| 11. | Fifhh Domestic Industrial Exhibition | 10,694.70- |
| 12. | Investigations | 60,265.800 |
| | Of phosphorus mines | 20,373.300 |
| | of factories | 10,150.-- |
| | Of oil wells | 29,742.500 |
| 13. | Repair of Apparatus | 40,580.68- |
| 14. | Education of Examiners of Manures | 10,298.95- |
| | Total, Dep't Agriculture and Commerce | 8,128,347.63- |

Dep't of Communications

| | | |
|---|---|---|
| 1. | Subsidies | 7,161,289.796 |
| | Training of Mariners | 10,000.-- |
| | Relief of maritime disasters | 20,000.-- |
| | Extension of routes of navigation | 5,483,574.176 |
| | Encouragement of Navigation | 797,765.62- |
| | do of Shipbuilding | 277,250.-- |
| | Japan Railway Co. | 521,871.-- |
| | Sanyo R.R. Co. | 50,829.-- |
| 2. | Construction and Repair of Telegraphs | 1,653,157.154 |
| 3. | do do of Nautical Signals | 261,062.437 |
| | Signal at Tarazaki | 37,086.837 |
| | do Hinomisaki | 53,896.-- |
| | do Mizunoko Is. | 60,000.-- |
| | do Konose | 12,650.-- |
| | do Sengairoku | 21,885.-- |
| | do Ohama | 14,433.-- |
| | do Shiraishi | 20,000.-- |
| | Construction of nautical signals | 20,321.-- |
| | New constructions | 5,108.600 |
| | Repair of nautical signals | 5,738.-- |
| | Repairs | 9,944.-- |

| | | |
|---|---|---|
| 4. | Building and Repairs | 787,741.094 |
| | Department buildings | 11,217.-- |
| | Marine School | 8,330.-- |
| | Warehouses | 251,800.-- |
| | New constructions | 445,006.694 |
| | Repairs | 71,387.400 |
| 5. | Extension of Telephones | 2,677,269.429 |
| 6. | Improvement of Government Railways | 3,800,000.-- |
| 7. | New Bridge over Yodo-gawa | 329,676.-- |
| 8. | Construction of Railways | 13,950,000.-- |
| | Fukushima-Aomori Line | 3,000,000.-- |
| | Hachioji-Nagoya line | 4,500,000.-- |
| | Sas anoi-Shiojiri line | 1,150,ooo.-- |
| | Yatsushiro-Kagoshima line | 2,350,000.-- |
| | Himeji-Sakai line | 2,000,000.-- |
| | Kaitaichi-Kurê line | 950,000.-- |
| 9. | Delegates to the International Telegraph Union Conference | 25,689.400 |
| | Total, Dep't of Communications | 3o,645,885.31- |
| | Grand Total, Extraordinary Expenditures | 85,775,851.708 |
| | GRAND TOTAL EXPENDITURES | 249,436,529.094 |

SUPPLEMENT A.

--------oo------

Ordinary Expenditure

Dep't of Home Affairs

| | | |
|---|---|---|
| 17. | Hokkaido Local Covernment Office | 602,786.118 |
| | Salaries | 237,983.147 |
| | Office expenses | 54,871/285 |
| | Repairs | 6,416.-- |
| | Pensions | 45.333 |
| | Compensation etc | 1,789.575 |
| | Travel | 86,830.03- |
| | Miscellaneous | 51,357.739 |
| | Rewards | 2,428.389 |
| | Conscription expenses | 6,910.798 |
| | Relief funds | 2,310.458 |
| | Collection of arrears | 1,037.683 |
| | Protection of forests | 76,774.924 |
| | Hakodate disinfection station and hospital | 692.011 |
| | Secret service fund | 3,600.-- |
| | Examination of weights and measures | 2,159.-- |
| | Protection of Ainu | 5,980.-- |
| | Prevention of epidemics | 1,515.-- |
| | Joint police expenses | 58,310.851 |
| | Examination of manures | 1,774.895 |

Dep't of Education

| | | |
|---|---|---|
| 10. | Encouragement of Business Education | 20,000.--- |
| | Total, Ordinary Expenditures | 622,786.118 |

Extraordinary Expenditure

Dep't of Home Affairs

| | | |
|---|---|---|
| 11. | Subsidy to Local Expenses of Hokkaido | 520,000.-- |
| 12. | Colonial Expenses of Hokkaido | 1,253,570.994 |
| | Colonial works | 242,833.149 |
| | Agricultural experiment stations | 8,576.822 |
| | Construction of Otaru Harbor | 215,500.-- |
| | Drainage of roads and bridges | 500,000.-- |
| | Communications and ferries | 28,846.200 |
| | Repair of roads and bridges | 15,462.-- |

| | | | |
|---|---|---|---|
| | Rivers, harbors and bays | | 72,291.823 |
| | Subsidies to navigation, | | 170,061.-- |
| 13. | Election Expenses, Local Assembly | | 1,536.500 |
| 14. | Supervision of Gold Mining | | 2,664.25- |
| | Total, Home Office | | 1,777,771.744 |

Dep't of Communications

| | | | |
|---|---|---|---|
| 1. | Subsidies | 158,700.39- | |
| | Extension of navigation | 61,200.39- | |
| | Seoul-Fusan R. R. Co. | 97,500.-- | |
| | Total , Extraordinary Expenses | | 1,936,472.134 |
| | GRAND TOTAL EXPENDITURES | | 2,559,258.252 |

SUPPLEMENT B.

---000---

Ordinary Revenue

| | | |
|---|---|---|
| 1. | Taxes | 3,089,288.-- |
| | Sake | 229,047.-- |
| | Custom duties | 141,374.-- |
| | Consumption of sugar | 2,718,867.-- |
| 3. | Revenue from Government Undertakings and Properties ( Monopoly Bureau ) | 3,204,287.-- |
| | Total, Ordinary Revenue | 6,293,575.-- |

Extraordinary Revenue

| | | |
|---|---|---|
| 8. | Temporary Loans | 1,768.-- |
| | GRAND TOTAL REVENUE | 23,973,575.-- |

Ordinary Expenditures

Dep't of Finance

| | | |
|---|---|---|
| 3. | Rewards and Pensions | 220,000.-- |
| | Rewards (annual allowances ) | 160,000.-- |
| | Military pensions | 60,000.-- |
| 10. | Custom Houses | 26,314.-- |
| | Salaries | 12,960.-- |
| | Office | 4,668.-- |
| | Repairs | 800.-- |
| | Travel | 1,164.-- |
| | Miscellaneous | 7,022.-- |
| 13. | Collecting Internal Revenues | 145,323.-- |
| | Salaries | 64,326.-- |
| | Office | 14,498.-- |
| | Travel | 46,207.-- |
| | Miscellaneous | 20,292.-- |
| | Total, Dep't Finance | 391,637.-- |

Extraordinary Expenditure

Dep't of Finance

| | | |
|---|---|---|
| 10. | Treasury Reserves,-- Second Reserve for Operations in China | 23,500,000.-- |
| | GRAND TOTAL EXPENDITURE | 23,891,637.-- |

Enclosure No. 2

Translation.

LAW OF THE HOKKAIDO LOCAL ASSEMBLY.

( Law No. 2 ).

---------ooo---------

Art. I. The Hokkaido Local Assembly shall be composed of members elected from the respective election dis-tricts.

The election districts, the number of members, and the number of members to be elected from each district shall be determined by Imperial Ordinance.

Art. II. Membership in the Hokkaido Local Assembly shall be honorary, and the term of office shall be three years.

Art. III. When there are vacancies to the number of one-third or more of the full number of members, an election for filling the vacancies shall be held within three months.

When the Minister of Home Affairs or the Governor of Hokkaido deem it necessary, an extraordinary election for the filling of vacancies shall be held, even though the number of vacancies is less than one-third the full number of members.

Members elected to fill vacancies shall hold office during the unexpired term of their predecessors.

Art. IV. Any male subject of the Empire, not less than full twenty five years of age, who has had his domicile in Hokkaido for the three years next preceding, and who during that period has paid in Hokkaido direct national taxes amounting to not less than 3 yen per year, or has owned not less than 4 square cho of land, shall have the right to vote for members of the Hokkaido Local Assembly.

Any male subject of the Empire, not less than full twenty five years of age, who has had his domicile in Hokkaido for the

three years next preceding, and who, during that period , has paid in Hokkaido direct national taxes amounting to not less than 10 yen per year, or has owned within Hokkaido not less than 15 square cho of land, shall be eligible for election as a member of the Hokkaido Assembly.

When a person has acquired property by inheritance, the taxes paid by his predecessor with respect to the said property shall be regarded as paid by the person himself.

When a person has acquired land by inheritance, the period of time of ownership of the predecessor shall be added to the time of ownership of the successor.

The time of ownership of land shall be reckoned from the date of the registration of such ownership.

The word "land" in this Article shall mean tilled land, building lots and ground for drying marine products.

Art. V. The persons designated below shall not have the right to vote nor be eligible for election:

1. Persons interdicted from the management of their property, or those treated as such.
2. Undischarged bankrupts, and persons who have been sentenced to bankruptcy, from the time of the judgement of bankruptcy to the time of the restoration of their rights.
3. Persons who have been deprived of their public rights, or whose public rights have been suspended.
4. Persons who have been sentenced to confinement or a graver penalty, pending the confirmation of such sentence.
5. Persons who are undergoing a penalty for arrears in taxes.

6. Persons who have received assistance as paupers from the public funds, until after full three years have elapsed.

Art. VI. Men in the army or navy, whether in active service or called out in case of war or emergency, and the students or pupils of Government, public and private schools shall also come under the provisions of the preceding Article.

Art. VII. The persons designated below shall not be eligible for election as members of the Hokkaido Assembly. Officials who have retired from office shall not be eligible until after one full month has elapsed:

1. Officials of the Hokkaido Government.
2. Procurators, police, and tax officials.
3. Officials of Shintō shrines, Buddhist priests and other religious teachers.
4. Teachers of primary schools.

When an official, other than those enumerated above, has been elected and desires to accept the office (of member of the Assembly) he shall obtain the permission of his chief officer.

A Government or public official connected with the business of elections shall not be eligible for election within the district in which he is concerned. Officials who have retired from office shall not be eligible until after one full month has elapsed.

Contractors for the Hokkaido Government, or officers of companies that contract for the said Government, shall not be eligible for election as members of the Hokkaido Assembly.

A member of the Hokkaido Assembly cannot at the same time be a member of the (national) House of Representatives.

Art. VIII. Any member of the Hokkaido who has not the proper quabifications for office, shall forfeit his seat. The question of his qualification for office shall be determined and announced by the Governor of Hokkaido.

Any person who considers the decision of the Governor of Hokkaido given in accordance with the preceding paragraph as illegal, may institute an administrative litigation.

A member of the Hokkaido Assembly shall not forfeit his membership until the decision of the Governor as to his ineligibility has been confirmed , or a judgement rendered by a court.

Art. IX. Matters relating to the election of members of the Hokkaido Assembly that are not provided for in this law shall be provided for by Imperial Ordinance.

Art. X. The Hokkaido Assembly shall determine the budget of annual receipts and expenditures of the local funds of Hokkaido, and the denomination and rate of assessment of the local taxes, except insofar as otherwise specifically provided for by law or ordinance.

The final account of the expenditures of the local funds of Hokkaido shall be reported to the second ordinary session of the Assembly after the expiration of each fiscal year.

Art. XI. The Governor of Hokkaido shall present projects of law in connection with the matters to be decided by the Hokkaido Assembly.

Art. XII. With respect to matters within the competency of the Hokkaido Assembly, when special and urgent action is necessry and it is deemed that there is not time for convoking the Assembly, the Governor of Hokkaido may act at

his discretion, and report his action to the Assembly at its next session.

Art. XIII. Any matter within the competency of the Hokkaido Assembly may, by vote of the Assembly, be referred to the Governor of Hokkaido for action.

Art. XIV. The provisions of Arts. 40, 44-64, 82-85, 94, 96, 128-131 of the Law of Organization of Fu and Ken shall apply correspondingly also to this law. The duties of the Councillors of Fu and Ken, however, as specified in the above provisions, shall be performed by the Governor of Hokkaido.

Art. XV. The denominations of the direct national taxes specified in this law shall be announced by the Minister of Finance and the Minister of Home Affairs.

Art. XVI. With regard to the islands where the provisions of this law may not be applicable, special provisions may be made by Imperial Ordinance.

APPENDED RULES.

Art. XVII. This law shall be enforced from April 1, 1901.

Art. XVIII. During the first three years following the date of the enforcement of this law, the period of three years specified in paragraphs 1 and 2 of Art.IV with respect to the payment of taxes and the ownership of land, shall be changed to one year.

Art. XIX. All matters that are within the competency of the Hokkaido Assembly that require immediate action when this law comes into operation shall be attended to by the Governor of Hokkaido pending the organi zation of the Assembly.

Translation.

# LAW OF THE LOCAL EXPENSES OF HOKKAIDO.

( Law No. 3 ).

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Art. I. The local expenses of Hokkaido shall be defrayed from the local taxes of Hokkaido, and from other revenues belonging to the local funds.

Art. II. The provisions of law relating to the taxes of Fu and Ken shall apply correspondingly to the denominations of the local taxes of Hokkaido, except in the following two cases:

1. Tambetsu-wari (local land tax ).
2. Tax on Marine Products.

Art. III. The "tambetsu-wari" shall be paid by owners of land upon whith no tax based on the (national) land tax has been assessed. The said tax shall not, however, be imposed for a period of two years upon land that has reverted to private ownership, nor upon land that has been granted in accordance with the regulations for granting land to Colonial troops, during the period of active service of such troops.

Art. IV. The tax on marine products shall be imposed upon persons engaged in the gathering or manufacture of marine products.

Art. V. When an appended tax exceeding one-half the amount of the (national) land tax is to be assessed, the consent of the Minister of Home Affairs and the Minister of Finance must be obtained, except when otherwise specially provided for by law or ordinance.

Art. VI. The kosu-wari (local house tax) shall not be imposed upon immigrants whose chief occupation is farming or grazing for a period of full three years following the date

of their immigration.

Art. VII. The provisions of law relating to the taxes of Fu and Ken shall apply correspondingly to all matters connected with the assessment and collection of the local taxes of Hokkaido, except insofar as special provisions are made by Imperial Ordinance. The duties of the Councils of Fu and Ken mentioned in the above law shall be performed by the Governor of Hokkaido, and the words "shi, cho, son or the "assembly of shi, cho, son" shall be substituted for the Words "ku, cho, son or the assembly of ku, cho, son" and their equivalents.

Art. VIII. In addition to such expenses as are specially provided for by law or ordinance, the following items shall be defrayed from the local funds of Hokkaido:

Police expenses

Building and repairing offices etc of Police officials

Public works

Sanitary and hospital expenses

Educational expenses, Relief expenditures

Miscellaneous notifications etc

Grants for encouragement of industries

Salaries and travelling expenses of chiefs and clerks of cho and son of the second class.

Expenses of kocho-yakuba (village offices), together with the salaries, travelling expenses etc for chiefs of villages and their subordinates.

Building and repair of offices etc of Hokkaido Government

Election expenses and expenses of Hokkaido Assembly

Subsidies

Expenses of collection etc of local taxes

Reserve funds

When it is proposed to increase the number of items enumerated above, the Governor of Hokkaido shall obtain the decision of the Hokkaido Assembly to that effect, and shall also obtain the permission of the Ministers of Home Affairs and Finance.

Art. IX. The provisions of law hitherto in force in Hokkaido relating to the receipts, expenditures and Treasury subsidies of Fu and Ken shall be applied correspondingly to the local expenses of Hokkaido.

Art. X. Further provisions relating to the local expenses of Hokkaido that may be found necessary, other than those provided for in this law, may be enacted by Imperial Ordinance.

APPENDED RULES.

Art. XI. This law shall be enforced from April 1, 1901.

Art. XII. Former provisions of law relating to the tax on marine products and the local taxes of Hokkaido shall be annulled from April 1, 1901. The said provisions, however, shall be applied with respect to the assessment and collection of local taxes based on circumstances existing previous to the annulment of the said provisions, and to the collection of local taxes already assessed before that time.

Art. XIII. No local taxes shall be imposed according to the provisions of this law upon property already assessed in accordance with the provisions of former laws previous to their annulment.

When it is proposed to increase the number of items enumerated above, the Governor of Hokkaido shall obtain the decision of the Hokkaido Assembly to that effect, and shall also obtain the permission of the Ministers of Home Affairs and Finance.

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Art. X. Further provisions relating to the local expenses of Hokkaido that may be found necessary, other than those provided for in this law, may be enacted by Imperial Ordinance.

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Art. XIII. No local taxes shall be imposed according to the provisions of this law upon property already assessed in accordance with the provisions of former laws previous to their annulment.

Translation.

THE LAW FOR THE PROTECTION OF EMIGRANTS,

shall be revised as follows:-

Art. VII-B.- The emigration agent shall be responsible for the guarantee given according to the provisions of paragraph 2 of Art. III in respect to the emigrants whom he has assisted in going abroad,, for a period of ten years from the time of their going abroad.

Art. XIII. When an emigration agent gives assistance to emigrants going abroad, or collects contract laborers to go abroad, he shall make a written contract with the emigra nts and obtain the consent of the administrative authorities thereto.

Art. XIV. An emigration agent shall not, under any pretext whatsoever, receive from emigrants any money or articles other than his commission fees. Moreover the said commission fees must receive the sanction of the administrative authorities in advance.

Art. XVIII. When the administrative authorities consider that an emigration agent has not fulfilled his contract with the emigrants, or has not discharged his responsibilities as surety in relation to them, according to the provisions of paragraph B of Art. VII , they may appropriate the surety money to defray the expenses connected with the relief of the emigrants or their return to Japan.

In connection with the foregoing amendments to the Law for the Protection of Emigrants, the Foreign Office has issued the following amendments to the

REGULATIONS RELATING TO THE LAW FOR THE PROTECTION OF EMIGRANTS.

Art. XI. Any person who desires to receive the consent of the authorities concerned to a written contract as specified in Art. XIII of the Law for the Protection of Emigrants, shall forward to the local Governor (or in Tokio to the Chief of Metropolitan Police) a copy of the contract in full, together with documents describing the conditions in the country to which the emigrant is to go. Any person who wishes to obtain the sanction of his commission fees from the authorities concerned, as specified in Art. XIV of the said Law shall forward to the local Governor (in Tokio, the Chief of Metropolitan Police) within whose jurisdiction the domicile of the emigraht is situated, a document stating the place to which the emigrant is to go and the amount of his commission fees.

None of the following items shall be omitted from the contract mentioned in the foregoing paragraph:

1. Period of contract
2. Commission fee
3. Method of paying expenses in going and return.
4. Method of rendering assistance abroad.
5. Method of affording relief or return passage in case of sickness or other misfortune.

If a contract between and agent and an emigrant has been cancelled after it has been signed, notice shall be given to the local authorities mentioned above.

When a local Governor has given his sanction to a contract as provided in paragraph 1 of this Article, he shall report to the Minister for Foreign Affairs the date of such sanction, the name, age, social status and profession of the emigrant, together with the number and a copy of the contract or application for sanction of commission fees, and shall also inform the local Governor (in Tokio the Chief of Metropolitan Police) of the district in which the main office of the emigration agent is located. The same procedure shall be followed in the case of cancellation of contract.

Art. XXII. When an emigration agent sends emigrants abroad he shall, at the time of their departure, hand a notice to the Japanese Government of ficial having jurisdiction over the place where the emigrant is to be located, stating the name of the emigrant. When the emigrants come under the provisions of paragraph 1 of Art. XIII of the Law for the Protection of Emigrants, a copy of the contract shall be attached to the notice mentioned above.

APPENDED RULES.

These Regulations shall be enforced from the date of the promulgation of the law revising the Law for the Protection of Emigrants (April 8, 1901).

DIPLOMATIC,
MAY 23 1901
BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN.

INDEX BUREAU
REC'D.
MAY 20 '01
DEPT. OF STATE

No. 556. April 27, 1901.

Ans May 27

3rd. ASST. SECRETARY.
MAY 22 1901

Mr. Wilson,

to the Secretary of State.

Subject:

Claim of China-Japan Trading Company at Nagasaki.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 556.

April 27, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to inform you that I have received from the Consul at Nagasaki a despatch relating to a protest of the China and Japan Trading Company against the making of land and the erection of a building at No. 4 Hatoba for customs' purposes,- a work that is being done by the Department of Finance of the Japanese Government.

So far as I am informed the work referred to consists merely in rounding off the corners of a jetty extending into the harbor at the foot of a street upon one corner of which the China and Japan Trading Company's building is located. Along the sea front, at right angles to the jetty, runs a public road. The proprietors of the premises in question therefore have no landing privileges there.

I think it is very doubtful whether it could be maintained that the Nagasaki land owners, because their lots were designated in their leases as "frontage lots", thereby acquired a servitude of view without special mention in the lease to that effect.

In 1897 there was in Yokohama a similar caseof one of the principal English firms at that port. There had been built in front of their premises a large building on made land; and on that occasion the Japanese Government successfully maintained that the specification in the lease of the lot as a frontage lot was merely a method of designating the locality of the premises, and entailed no future obligations of the nature claimed.

I

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

DIPLOMATIC,

JUN 11 1901

UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.

ASSISTANT SECRETARY,
Ack. and file.
JUN 10 1901

No. 557. May 3, 1901.

Held June 13 C.

Mr. Wilson

to the Secretary of State.

Subject:

Western Electric Co's. complaint about duty on wires settled.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 557. May 3, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

By the Department's instruction No.320, dated September 26, 1900, Mr. Buck was directed to investigate the facts as to an assertion by the Western Electric Company of New York to the effect that the Japanese Customs authorities exacted a discriminatory duty upon electric wires imported from America.

Referring to that instruction, acknowledged by Mr. Buck's No.504 of October 29, 1900, I now have the honor to enclose herewith copy of a letter from the Secretary of the Nippon Electric Company, Limited, of Tokio, who are the representatives of the Western Electric Company, from which it appears that the difficulty has been settled in a way satisfactory to those interested.

I have the honor to be,
Sir,
Your obedient servant,
Huntington Wilson.

Enclosure:

Mr. Sperry to Mr. Wilson, May 1, 1901.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 557. May 3, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

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Sir,

Your obedient servant,

Huntington Wilson.

Enclosure:

Mr. Sperry to Mr. Wilson, May 1, 1901.

Enclosure with Mr. Wilson's No. 557 of date May 3, 1901.

Copy.

Nippon Electric Company, L't'd.

Tokio, Japan.

Tokyo, May 1st, 1901.

Huntington Wilson, Esquire,

Chargé d'Affaires, United States Legation,

TOKYO.

Dear Sir:

Some time previous to the departure of Minister Buck, he received a communication from the Department of State regarding an objection, taken by the Western Electric Company, to the rate of duty levied by the Yokohama Custom House on insulated wire of American manufacture. At Col. Buck's request detailed information on the subject was given him, but as we had at that time lodged a protest with the Department of Finance nothing further was done.

After some time a decision was rendered by the Minister of Finance to the effect that whenever Certificates of Origin accompanied consignments of such material it should be passed by the Custom Houses on the payment of duty at the rate of 5% ad valorem, in accordance with the Conventional Tariff now in existence between this country and Germany.

Our protest was against the classification made on this material by the Custom House, but the decision neither upheld our position nor that of the Custom House. In the event of no Certificate of Origin being presented with the other shipping papers, the effect of the ruling of the Minister of Finance would be the same as that under the classification made by

by the Custom House; namely, that duty at the rate of 20% should be assessed.

The classifications made by the Department are as follows:-

5% duty (certificate being presented)---"Electrical Wire"

20% " " not " ---"Copper, not otherwise specified"

As this decision was made during the recent long continued illness of the writer, this statement has been considerably delayed. We appreciate the interest that you have taken in this matter and the assistance given us.

Yours very truly,

(Signed) L. E. SPERRY,

Secretary.

File under U.S. Legation to Japan

Hamilton House,

Washington, D.C. May 3, 1901.

INDEX BUREAU
REC'D.
MAY 3 '01
DEPT. OF STATE

DIPLOMATIC
ASSISTANT SECRETARY,
MAY 4 1901
BUREAU.
MAY 3 1901

Sir:-

I have the honor to state that my leave of absence expired on April 17, 1901, and on the previous day, April 16, I started to return to my post, via Washington City, in which city I have been detained ever since by illness. My physician forbids my travelling as yet, and I am, therefore, reluctantly compelled to ask for an extension of leave of absence of about twenty days.

I am, Sir,

Your obedient servant,

W. W. Rockhill

Minister of the United States to Japan.

Honorable John Hay,

Secretary of State,

Washington, D.C.

DIPLOMATIC BUREAU
JUN 11 1901
UNITED STATES LEGATION,
TOKIO, JAPAN.

ASSISTANT SECRETARY,
Ack. and file.
JUN 10 1901

No. 5.

May 6, 1901.

DIPLOMATIC BUREAU
RECD.
JUN 10 1901
DEPT. OF STATE.

Mr. Wilson

to the Secretary of State.

Subject:

Son born to the Crown Prince and Princess.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 1. May 6, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to report that on the 29th ultimo H. I. H. the Crown Princess gave birth to a son, the Heir Apparent, in succession to the present Prince Imperial, to the throne of Japan.

Upon the announcement, on the 1st instant the members of the legation wrote their names at the Palace of T. I. M. and at that of the Crown Prince, by way of congratulation.

Yesterday, with great ceremony, the young Prince was named Hirohito, Michi-no-Miya,—the Chinese characters of which mean Guiding, controlling, magnanimity, and benevolence.

The flags of the legations were displayed in honor of the name-day ceremony, which was celebrated by a salute of 101 artillery guns and of 21 guns fired by the Japanese warships in Tokio Bay, as well as by the discharge of day fire-works, and by general rejoicings all over Japan.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

UNITED STATES LEGATION,
TOKIO, JAPAN.

May 6, 1901.

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Secretary of State,
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Your obedient servant,
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TOKIO, JAPAN.

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I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

UNITED STATES LEGATION,
TOKIO, JAPAN.

DIPLOMATIC,
JUN 20 1901
BUREAU.

No. #

May 14, 1901.

A copy of each publication sent to Bur. of For. Commerce, Treas. Dept., and Library of Congress, June 11, 1901.

Mr. Wilson,

to the Secretary of State.

Asked June 13

Subject:

Transmitting copies of the Resumé Statistique and The Foreign Trade of Japan from 1868 to 1899.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. #

May 14, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.-

Sir:

I have the honor to transmit under separate cover three copies each of the "Resumè Statistique de l'Empire du Japon" , and "Returns of the Foreign Trade of the Empire of Japan for "the Thirty-two Years from 1868 to 1899 Inclusive", both recently issued by the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. #

May 14, 1901.

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Secretary of State,

Washington.-

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Your obedient servant,

Huntington Wilson.

DIPLOMATIC,
UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.
JUN 11 1901

ASSISTANT SECRETARY,
Ack. and file.
JUN 10 1901

No. 558. May 17th, 1901.

RECEIVED
JUN 10 '01
DEPT. OF STATE

Mr. Wilson

to the Secretary of State.

Subject:

Cabinet crisis.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 558.

May 17, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

In my despatch No. 555 of the 20th ultimo, with regard to the budget for the present fiscal year, I had the honor to point out that the Minister for Finance's policy of postponing certain public works,— notably the extension of railways, telegraphs, telephones, etc., — had precipitated a political crisis not unlikely to lead to changes in the Cabinet.

The Ministers made an attempt, which at one time promised success, to arrange the matter among themselves. But, as it turned out that Viscount Watanabe, Minister for Finance, proposed, in the budget for next year, to drop entirely the certain works under extraordinary expenditures, agreement became impossible.

The result was that on May 2nd Marquis Ito presented his resignation to the Emperor, all the other Ministers, excepting Viscount Watanabe, doing likewise. At an intimation from the Emperor, it is said, Viscount Watanabe tendered his resignation on the following day.

When it became apparent, after repeated consultations of the "elder statesmen", that Marquis Ito could not then be prevailed upon to reconsider his decision, his resignation was accepted on the 10th.

Marquis Saionji, whose ill health is understood to prevent his regularly holding office, was appointed Acting Minister President, and, some days later , also Acting Minister for Finance.

On the 14th Viscount Watanabe's resignation was accepted,

the

the other Ministers, except the Premier, being commanded to continue for the present at their respective posts.

The trouble appears to be a personal and political, as well as a financial one, traceable chiefly to the appointment of Viscount Watanabe.

Although it may very likely be found advisable to postpone the public works in question, yet, there being a surplus revenue of 38 million yen over the ordinary expenditures, as shown by the budget, the finances of the Government hardly appear to be in a very critical condition.

When Viscount Watanabe adhered to his programme of retrenchment, in opposition to all his colleagues, and failed to resign his portfolio, all the other Ministers felt called upon to resign,— an idea peculiar to Japanese politics.

Each of the "elder statesmen" shows great reluctance, at this juncture, to undertake the leadership of a cabinet. The situation presents two difficulties, besides the financial question of whether to postpone undertakings or to endeavor to raise the needed funds, namely,— that of dealing with the Constitutional Party in the Lower House and that of securing the support of the Peers.

Marquis Ito is now in bad health, and it is thought that at the present, rather than resume the premiership, he may devote his attention to the consolidation and leadership of his party. After him, it appears that Count Inouye, who is noted for his skill in finance, is looked to.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

DIPLOMATIC,
JUN 11 1901
UNITED STATES LEGATION,
TOKIO, JAPAN.

ASSISTANT SECRETARY,
Ack. and file.
JUN 10 1901

No. 559.

May 17, 1901.

DIPLOMATIC BUREAU
RECEIVED
JUN 10 '01
DEPT OF STATE

Mr. Wilson

to the Secretary of State.

Subject:- Charges against a Japanese consular officer in the Philippines.

DIPLOMATIC,
JUN 11 1901
UNITED STATES LEGATION,
TOKIO, JAPAN.

ASSISTANT SECRETARY,
Ack. and file.
JUN 10 1901

No. 559. May 17, 1901.

DEPARTMENT OF STATE
RECEIVED
JUN 10 1901

Mr. Wilson

to the Secretary of State.

Subject:- Charges against a Japanese consular officer in the Philippines.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.559. May 17, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Referring to your instruction No.344, of the 13th ultimo, with regard to the meeting on October 11, 1901, between Mr.Hojo of the Japanese consular service and the Filipino insurgent chief Trias, and the consequent charges of abetting the insurrection, I have the honor to enclose herewith copy of my letter to the Minister for Foreign Affairs informing him that, in view of the statement of the Japanese Government and of Mr. Hojo's transfer to another post, the United States regard the incident as satisfactorily terminated.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosure:
Mr. Wilson to the Minister for Foreign Affairs,
May 17, 1901.

Enclosure with Mr. Wilson's No. 559 of May 17, 1901.

Copy.

No. 270. UNITED STATES LEGATION,

Tokio, Japan, May 17, 1901.

His Excellency,

Mr. Kato Takaaki,

His Imperial Japanese Majesty's ,

Minister for Foreign Affairs.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's letter No. 4 of the 11th March on the subject of the meeting which Mr. Taiyo Hojo of the Imperial Japanese Consular Service had on October 11th last with the Filipino chief Trias, and of the charges which grew out of it.

Having forwarded to the Secretary of State a copy of the communication which Your Excellency was good enough to address to me, I am now enabled to say that, in view of the statement of the Imperial Japanese Government , and of Mr. Hojo's transfer to another post, the American Government consider the incident satisfactorily closed.

I avail myself etc etc

(Signed) HUNTINGTON WILSON.

DIPLOMATIC,
JUN 11
UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.

ASSISTANT SECRETARY,
Ack. and file.
JUN 10 1901

No. 560. May 18, 1901.

INDEX BUREAU
REC'D
JUN 10 1901
DEPT. OF STATE

Mr. Wilson

to the Secretary of State.

Subject:

Exemption from income tax of officers and men of U.S.Naval Hospital in Yokohama.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 560. May 18, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Referring to previous correspondence on the subject of the exemption from income tax of officers and men on duty at the United States Naval Hospital in Yokohama, I have the honor to enclose herewith copy of a letter which I sent to the Minister for Foreign Affairs, pointing out, as stated in your instruction No.346 of the 15th ultimo, that no income tax is imposed by the Government of the United States.

The condition mentioned in Mr. Kato's letter of which a copy was enclosed with my No.546 of March 16th being thus fulfilled, I trust there will now be no further question about the exemption.

I have the honor to be,
Sir,
Your obedient servant.
Huntington Wilson.

Enclosure:
Mr. Wilson to Mr. Kato, May 18, 1901.

Enclosure with Mr. Wilson's No. 56 of May 18, 1901.

To His Excellency

Mr. Kato Takaaki,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre,

I had the honor to be informed, by Your Excellency's letter No. 7 of March 14 last, of the position of His Excellency the Minister for Finance as to the exemption from income tax of U. S. officers and men on duty at the United States Naval Hospital in Yokohama.

Therein Your Excellency's Government was kind enough to give assurance that the officers and men should continue, for the present, to enjoy the exemption, - in view of the fact that they were occupied only with their official duties, - and also upon condition that, should the Imperial Japanese Government establish a similar hospital in the territory of the United States, the officers on duty there should be similarly exempt.

With reference to the above condition, I beg to inform Your Excellency that no income tax is imposed by the Government of the United States.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

[Signed] Huntington Wilson.

U S Legations To Japan

DIPLOMATIC BUREAU.

RECEIVED MAY 25 1901 BUREAU OF ACCOUNTS DEPT OF STATE

INDEX BUREAU RECD. MAY 25 '01 DEPT. OF STATE

San Francisco, California.

May 18th. 1901.

Rec'd June 20

ORDERED JUNE 20 '01 To cert July 1-1901 - To June 30-1902 Bureau of Accounts.

Hon. John Hay,

Secretary of State,

Washington, D.C.

Sir:-

(332)

In compliance with Par. - "Instructions to Diplomatic Officers", I have the honor to suggest the continuance of the subscriptions to the New York Tribune and San Francisco Chronicle for the ensuing fiscal year for the Legation at Tokio.

I have the honor to be

Sir

your obedient servant

W. W. Buck

DIPLOMATIC,
JUN 13 1901
UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.

ASSISTANT SECRETARY,
Ack. and file.
JUN 10 1901

No. 561.

May 20, 1901.

RECEIVED
JUN 10 '01
SECY OF STATE

Mr. Wilson

to the Secretary of State.

Subject:

The Midway Islands.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 561. May 20, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your instruction No. 343, of the 12th ultimo, enclosing, confidentially, a copy of a letter from the Japanese Consul at Honolulu to the Governor of Hawaii, inquiring about the Midway Islands, and also copies of letters from the Honorable the Secretary of the Navy and from the former U. S. Consul General at Honolulu, giving information as to the islands lying westward of the Hawaiian group.

Without bringing up the subject, the legation will not fail to be on the lookout for any indications of a desire on the part of Japan to lease or acquire control over any of those islands.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

ASSISTANT SECRETARY,
~~Ack. and file.~~
JUN 10 1901

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 562. May 20, 1901.

DIPLOMATIC,
JUN 11 1901 file
BUREAU.

Ack. June 22

Mr. Wilson
to the Secretary of State.

Subject:

Acknowledging receipt of instruction No.341, March 12, in re Japanese Village Co. at Pan-American Exposition.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 562. May 20, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No.341, of March 12th, calling my attention to the accompanying copies of letters from Congressman Ryan of New York, ex-Congressman John D. Weber, now Commissioner General of the Pan-American Exposition at Buffalo, and the Honorable William I. Buchanan, Director General of the Exposition.

Mr. Hashimoto, an agent of the Japanese Village Company to which the letters refer, called here to explain his mission, and requested the assistance of the legation.

The above mentioned copies of letters were shown to an official of the Tokio Government, within whose province is the issuance of passports for the people for whom Mr. Hashimoto desired them. I stated that the letters were genuine, which was all that I felt authorized, under the Department's instruction, to do.

I hear, however, that the Tokio authorities, for some reasons, have not seen fit to comply with the requests of the agent of the Japanese Village Company.

I have the honor to be,
Sir,
Your obedient servant,
Huntington Wilson.

DIPLOMATIC,

UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.

ASSISTANT SECRETARY,

JUN 10 1901

No. 563. May 20, 1901.

DEP'T OF STATE
JUL
10
1901
2ND ASST SECRETARY

DIPLOMATIC BUREAU.

Copy all this despatch & enclosures to the Librarian of Congress.
Ack & file.

Mr. Wilson

to the Secretary of State.

Subject:

Copyright,--enclosing correspondence with Foreign Office to date.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 563. May 20, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

Referring to previous correspondence on the subject of copyright, I have the honor to enclose a copy of a letter dated March 25th, by which the Minister for Foreign Affairs acknowledged the receipt of my note of the 11th.

On April 6th, in the hope of hastening the consummation of the desired copyright convention, I addressed a letter to Mr. Kato, emphasizing the importance of the matter, and requesting that it receive attention with as little delay as the convenience of his Government would permit. A copy of the letter is enclosed.

A copy of Mr. Kato's letter of the 13th ultimo, in acknowledgment of mine, is sent herewith.

On the 17th instant Mr. Kato replied unfavorably to my note. A copy of his communication is enclosed.

I have the honor to forward herewith, also, a copy of a note which I today addressed to the Minister for Foreign Affairs again presenting the request of the American Government.

During the interval since March 11th I have had a great many conversations on this subject with the Minister and the Vice Minister for Foreign Affairs.

From those conversations, and from the fact that the Japanese Government appear, so far, to have been unable to answer the representations already made,—and I do not think they will be able to do so,—I now have, as from the first, no doubt that the issue will finally be successful.

The circumstance that since the beginning of this month the Cabinet

Cabinet has been quite unsettled, as I had the honor to state in my dispatch of the 17th instant, has no doubt been to some extent a hindrance to progress in the matter.

The provisions of the United States Copyright Act have naturally made it somewhat difficult to present the case in a strong light.

Nevertheless, it is my conviction that it is now only necessary for success that the matter be persistently, patiently, and vigorously pressed along these same lines.

In this connection I beg to acknowledge the receipt of your instruction No. 345 of the 15th ultimo, enclosing a copy of a letter from the Librarian of Congress, in which he expresses his views on the subject of copyright relations between America and Japan.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosures:

No.1. Mr. Kato to Mr. Wilson, March 25, 1901.

No.2. Mr. Wilson to Mr. Kato, April 6, 1901.

No.3. Mr. Kato to Mr. Wilson, April 13, 1901.

No.4. Mr. Kato to Mr. Wilson, May 17, 1901.

No.5. Mr. Wilson to Mr. Kato, May 20, 1901.

Enclosure No. 1 with Mr. Wilson's No. 563 of May 20, 1901.

(Copy)

No.9. Translation. Department of Foreign Affairs,

Tokio, March 25, 1901.

Huntington Wilson, Esqre.,

Chargé d'Affaires of the United States of America.

Sir:

I beg to acknowledge the receipt of your note dated the 11th instant, expressing in full the desires of the Government of the United States to conclude with the Imperial Government of Japan a convention securing to the citizens and subjects of the two countries reciprocal national or most favored nation treatment in copyright. I hasten to state in reply that the matter has at once been referred to the authorities concerned.

Accept, Sir, the renewed assurances of my high consideration.

(Signed) Kato Takaaki,

Minister for Foreign Affairs.

Enclosure No. 2 with Mr. Wilson's No. 563 of May 20, 1901.

(Copy)

No.268. UNITED STATES LEGATION,

Tokio, April 6, 1901.

His Excellency,

Mr. Kato Takaaki,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre,

After several verbal representations made to Your Excellency in person, as also through the Vice Minister, during the month ended March 11th, I had the honor, in my note of that date, again fully to present the request of the American Government that the Imperial Japanese Government consent to conclude with them a copyright convention according reciprocal national or most favored nation treatment to both nations.

The very important question which arises from a consideration of this request of the American Government,—namely, that of the relative position in which the United States are to be placed, or, in other words, of whether they are to be discriminated against,—would seem to be a simple one certainly, and, I trust, one very easy of solution.

Again, the subject of copyright does not appear to be so broad a one as to lead one to expect that more than a very short time indeed would be necessary for the consideration of such—in this case—comparatively vastly subordinate questions as might arise from it.

In view of the grave importance of the principle involved, it is greatly to be desired that I be enabled, with as little further delay as may be, to telegraph to the Secretary of State the answer of Your Excellency's Government.

I therefore have the honor earnestly to request that Your Excellency be good enough to take what steps may be necessary in order that the favorable reply which cannot but be anticipated to

to this request of my Government may be sent me at as early a date as the convenience of Your Excellency's Government may possibly permit.

I avail myself of this opportunity to renew to Your Excellency the assurances of my most distinguished consideration.

(Signed) Huntington Wilson.

Enclosure No. 3 with Mr. Wilson's No. 563 of May 20, 1901.

(Copy)

No. 10. Translation. Department of Foreign Affairs,

Tokio, April 13, 1901.

Huntington Wilson, Esqre.,

Chargé d'Affaires of the United States of America.

Sir,

I beg to acknowledge the receipt of your note dated the 6th instant in which, referring to your note of the 11th ultimo relative to the protection of copyright, the receipt of which was acknowledged in my note of the 25th of the same month, you desire to be informed as early as possible whether the Imperial Government are disposed to comply with the request of the Government of the United States to conclude a copyright convention.

While, in deference to your wishes, I have communicated your request to the Authorities concerned, it will be understood that in regard to the matter, full investigations have to be carried out according as are deemed necessary in the judgment of the Imperial Government, and I regret to state that they are not in a position to unduly precipitate such investigations which will naturally require a reasonable length of time. In your note under reply it seems to be assumed that the citizens of the United States are now receiving in Japan a discriminatory treatment in regard to copyright protection. On this point I beg to say that, setting aside the question of the protection accorded under the Berne Convention to the subjects and citizens of the Powers that have signified their adhesion to that Convention, the protection afforded by the Imperial Government, independently of that Convention, to the copyright of foreigners is provided for in Article XXVIII of the Copyright Law and nowise varies with the nationality of the copyright holders.

Accept, Sir, etc., etc.

(Signed) Kato Takaaki,
Minister for Foreign Affairs .

Enclosure No. 4 with Mr. Wilson's No. 563, of May 20, 1901.

Translation No. 13.

Department of Foreign Affairs,

Tokio, the 17th May, 1901.

Huntington Wilson, Esqre.,

Charge' d'Affaires

of the United States of America.

Sir:

In your note of the 11th March last you refer to Art. XXVIII of the Copyright Law of Japan which provides that the subjects or citizens of the Powers having no special convention with the Empire in respect to copyright shall enjoy the protection of the law only upon the condition of first publication in Japan. Consequently the citizens of the United States not being placed in an equal position with the subjects of Japan in regard to the protection of copyright, it is desired by the Government of the United States to conclude with the Imperial Government a convention securing to the subjects and citizens of the two countries reciprocal national or most favored nation treatment in respect to copyright.

The matter was at once referred to the authorities concerned, as stated in my note of the 25th March last, and being now in receipt of a reply from them, I beg to acquaint you with the views of the Imperial Government respecting the proposal of the United States Government.

Section 3 of the Act of Congress of the United States, approved March 3, 1891, relating to copyrights, makes it a condition precedent to the enjoyment of copyright protection, that the works for which copyright is desired, be printed from type set within the limits of the United States, or by reproductive

arrangement

arrangement prepared therefrom within the limits of that country. Accordingly if a convention were to be concluded on the lines suggested by your Government, the subjects of Japan would have to carry out the entire process of production within the limits of the United States in order to enjoy copyright protection, while the citizens of the United States would be enabled to enjoy protection for their works printed without the limits of the Empire of Japan. It will consequently be seen that such a convention although having as its object reciprocal protection of copyright would, nevertheless, wholly disregard the principle of equal treatment. Section 3 of the American Act relating to copyright and Article XXVIII of the existing Copyright Law of Japan are framed on nearly identical lines, and therefore, should the desired convention be concluded between the two countries, the copyright protection which the subjects of Japan would Then enjoy in the United States would, practically speaking, accord with the copyright protection which the citizens of the United States now enjoy under the existing laws of Japan.

Art. XI of the Treaty of Amity, Establishment and Commerce between Japan and Switzerland having, independently of the Berne Convention, reciprocally extended national treatment with regard to the protection of literary and artistic works, you refer to that article in support of the proposal of the Government of the United States. It is desired, you intimate, that, as a special arrangement already exists between Japan and Switzerland, so in the same way a special arrangement may be concluded between Japan and the United States, although the latter have not adhered to the Convention of Berne. It may however be observed that the stipulation in Art. XI of that treaty has been framed having in view the position held by the Government of Switzerland with respect to the Berne Convention and having in contemplation the decision of the Imperial Government to join that Convention. It has therefore created no special treat-

ment

-ment in favor of any States that has not joined the said Convention.

While I regret to have to inform you that the Imperial Government are not prepared to enter into any special agreement beside the International Convention above referred to, I trust, it will be understood that the inability on the part of the Imperial Government to meet the wishes of the United States arises not from any disinclination to extend to the citizens of the United States whatever advantages that may have been granted to the subjects or citizens of any other Power, but results solely from the limitations imposed by the laws of the United States.

Accept, Sir, the renewed assurances of my high consideration.

Signed: Kato Takaaki,
Minister for Foreign Affairs.

Enclosure No. 5 with Mr. Wilson's No. 563 of May 20, 1901.

Copy.

No. 272. UNITED STATES LEGATION,

Tokio, Japan, May 20, 1901.

The undersigned Chargé d'Affaires of the United States has the honor to acknowledge the receipt of the letter which His Excellency His Imperial Japanese Majesty's Minister for Foreign Affairs was good enough to address to him on the 17th instant.

Having received a statement from the Department especially concerned with the subject of copyright, His Excellency therein communicated to the undersigned the Imperial Japanese Government's views with regard to some of the considerations cited in support of the proposal which he had the honor to make on behalf of his Government in his note of March 11th,-- that is, that a copyright convention mutually according national or most favored nation treatment be made between the United States and Japan.

It cannot be but with great surprise that the Government of the United States will learn that the Imperial Japanese Government

To His Excellency,
Mr. Kato Takaaki,
His Imperial Japanese Majesty's
Minister for Foreign Affairs.

ernment have any hesitation in consenting to the convention.

While the undersigned will forward to the Secretary of State a copy of His Excellency's letter under reply, he must at the same time assure His Excellency that he cannot regard the views therein expressed as diminishing the force of the representations which he has already had the honor to make; and that there is no doubt but that the present reply cannot possibly be acceptable to the United States.

In deference to the wishes expressed by the Minister for Foreign Affairs in the conversation which the American Chargé d'Affaires had the honor to hold with His Excellency on the 25th ultimo,— when the undersigned verbally expressed his inability to agree with the statements contained in His Excellency's letter of April 13th,— he has continued to postpone further discussion of the subject until His Excellency should have replied to his note.

That time having now arrived, the undersigned must hasten again earnestly to invite His Excellency's attention to this very important matter.

His Excellency states that the Imperial Japanese Government's objections to the desired convention rest solely upon the limitations imposed by the Copyright Law of the United States, thus

thus basing them upon the ground that the American law would be unfavorable to Japanese literary and artistic interests in America.

The undersigned is confident that, from the following considerations among others, His Excellency will not fail to agree with him that, in practice, such would not be the case.

In order to be in danger of "piracy" in the United States, — which danger alone gives rise to the need of copyright protection, — Japanese literary and artistic property must, necessarily, have a very large market in America.

In all such cases, then, since the American import duty is 25 per cent. on books, and correspondingly high on prints, et cetera, it is evident that Japanese subjects interested in such properties would, for economical reasons, comply of their own accord with the provisions of the American law, which would thus inflict no hardship.

Owing to the striking difference in the principles of their application, it cannot be admitted that Section 3 of the American Act of 1891 and Article XXVIII of the Copyright Law of Japan are framed on nearly identical lines.

The treatment offered, under the American Act, to Japanese subjects, if the convention be made, is the same that is offered

to

to Americans, and the same, too, that is offered to, and has been found acceptable by, practically all the other Powers.

Japan now offers to the United States treatment not only less favorable than national treatment, but treatment less favorable than that offered by her to the other Powers.

The undersigned had the honor to mention Article XI of the Japan-Switzerland Treaty, ( as having to do with copyright ),— among the number of special arrangements by which various advantages have been given to different Powers other than the United States,— all of which cases are parallel, so far as concerns considerations of relative quid pro quo , to the case of the convention desired by America.

The undersigned can by no means perceive that Article XI above referred to has not created a special treatment independently of the Berne Convention, since that Article stands alone in a treaty which makes no reference to the Convention, and would evidently remain effective should either or both of the signatories withdraw from the Convention.

In his note of March 11th the undersigned had the honor to call His Excellency's attention to the evident and very natural expectation of the United States that they would receive from the Imperial Japanese Government, in copyright as in other matters

ters, at least as favorable treatment as any other Power.

The generous tone of all the communications, on this and kindred subjects, which His Excellency's distinguished predecessors, Count Inouye, Count Okuma, and others, addressed to this Legation during the years of treaty revision, show plainly that the Imperial Japanese Government shared that expectation.

In the correspondence during those years, from 1885 forward, His Excellency's predecessors were unanimous in deprecating as objectionable the practice of unauthorized reprinting.

The Imperial Japanese Government did not fail to exert every means then at their command, by instructions to the local authorities and in other ways, to discourage and restrain the infringement of American copyrights,-- always looking forward to the time when treaty revision, by removing the obstacle then arising from the matter of jurisdiction, would make it possible for them to afford full protection.

Count Okuma, for example, in writing to Mr. Hubbard on March 24th, 1888, spoke of the impossibility of the Imperial Japanese Government's providing full copyright protection by law, "until they should , availing themselves of a future op- "portunity , conclude a formal convention on the subject with "the United States and other Treaty Powers".

It

It is clear that the Imperial Japanese Government have considered, as the Government of the United States have always done, that the extension by Japan of copyright protection to foreigners was to be one of the numerous innovations which were to accompany and be complementary to treaty revision.

In connection with treaty revision , after as well as before the signature of the treaty between America and Japan, a solicitude to give American interests favorable treatment was invariably emphasized by His Excellency's predecessors.

Under the circumstances, the undersigned cannot for a moment permit himself to believe that the Imperial Japanese Government would wish to leave the United States, in the matter of copyright protection, in the present isolated and unfavorable position.

He cannot, moreover, entertain any doubt but that, when they shall have considered the matter in all its broad phases , the Imperial Japanese Government will be convinced of the desirability, from every point of view of justice, of acceding to the request of the American Government, which the undersigned now has the honor again to present .

The undersigned Chargé d'Affaires of the United States avails himself of this occasion to renew to His Excellency His Imperial Japanese Majesty's Minister for Foreign Affairs, the

assurances

assurances of his most distinguished consideration.

( Signed ) Huntington Wilson.

DIPLOMATIC,
JUL 11 1901
ASSISTANT SECRETARY,
JUN 10 1901

UNITED STATES LEGATION,
BUREAU OF TOKIO, JAPAN.

No. 564.
Confidential.

May 23, 1901.

Copy to Library of Congress July 18

Mr. Wilson

to the Secretary of State.

Subject:

Copyright.

DIPLOMATIC,
JUL 11 1901
UNITED STATES LEGATION,
BUREAU
TOKIO, JAPAN.

ASSISTANT SECRETARY,
JUN 10 1901

No. 564.
Confidential.

May 23, 1901.

DIVISION OF RECEIVED
JUN 10 1901
DEPT. OF STATE

Copy to Librarian of Congress July 18

Mr. Wilson

to the Secretary of State.

Subject:

Copyright.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 564.
Confidential.

May 23, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

From the copies of correspondence which I had the honor to forward with my dispatch No.563 of the 20th instant it will have been seen that, in my note of that date again presenting the American Government's request for a copyright convention with Japan, I stated to the Minister for Foreign Affairs that the unfavorable reply contained in his letter of the 17th could not be acceptable to the United States.

Mr. Kato being aware, however, that a copy of his reply has been forwarded to the Department, I think it likely that the Japanese Government will be inclined to delay favorable action in this matter until it is presented under new instructions sent after you shall have received a copy of his reply.

Therefore, to expedite matters, and, which is of paramount importance, to strengthen the impression that the United States are in earnest, I venture to express my belief that, under the circumstances, a good effect would be produced if, upon receipt of my No.563, with enclosures, you would send a telegraphic instruction,—which, or the reading of which, could be shown, if found advisable, to the Minister for Foreign Affairs,—stating in strong terms, with reference to Mr. Kato's communication of the 17th instant, that the United States cannot be satisfied with a negative answer to their request, the justice of which is evident; and directing that the making of the copyright convention continue to be earnestly urged.

I have the honor to be,
Sir,
Your obedient servant,
Huntington Wilson.

DIPLOMATIC,
JUN 28
UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.

ASSISTANT SECRETARY,
Ack. and file.
JUN 28 1901

No. 565.

May 28, 1901.

559 3/11
574

Copy to War to complete the correspondence.
File Sy.

Copy to Navy Dept. July 5

Mr. Wilson

to the Secretary of State.

Subject:

Charges against a Japanese consular officer in the Philippines.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 565. May 28, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

To complete the correspondence which I have had the honor to forward with reference to the meeting between Mr. Hojo of the Japanese consular service and the Filipino insurgent chief Trias, I beg to enclose a copy of a letter from the Minister for Foreign Affairs in which he states his gratification that the matter has been brought to a satisfactory conclusion.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosure:

Mr. Kato to Mr. Wilson, May 22, 1901.

Enclosure with Mr. Wilson's No. 565. of May 28, 1901.

(Copy)

Translation No. 10.(?)

Department of Foreign Affairs,

Tokio, May 22, 1901.

Huntington Wilson, Esqre.,

Charge' d'Affaires

of the United States of America.

Sir.

In my reply of the 11th March last to His Excellency Mr. Buck's note inviting rigid investigation and proper discipline by the Imperial Government against Chancellor Hojo in charge of the Japanese Consulate at Manila in consequence of the charge of having held a conference in October last with the Filipino Chief Trias, I communicated to you details of the result of investigation on the matter, and now in acknowledging the receipt of your note No.270 under date of the 17th, instant, in which you state to the effect that you have transmitted to your Government the communication above referred to, and that in view of my reply and of Chancellor Hojo's transfer to another post, the Government of the United States consider the incident to be satisfactorily closed, I beg to inform you that it is a matter of great satisfaction to me that the question has been brought to such a conclusion.

Accept, Sir, the renewed assurances of my high consideration.

(Signed) Kato Takaaki,

Minister for Foreign Affairs.

DIPLOMATIC,
JUN 29 1901
UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.

ASSISTANT SECRETARY,
Ack. and file.
JUN 28 1901

No. 566.

June 3, 1901.

DEPARTMENT OF STATE
RECD
JUN 28 1901
DIPLOMATIC BUREAU

Ackd July 3 C.

Mr. Wilson

to the Secretary of State.

New Cabinet .

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 566. June 3, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to inform you that the following new Cabinet were appointed and gazetted yesterday :— Minister President, General Viscount Katsura; Minister for Foreign Affairs ad interim, Mr. Soné Arasuké; Minister for Home Affairs, Baron Utsumi ; Minister for Finance, Mr. Soné Arasuké; Minister for Education, Dr. Kikuchi ( hitherto President of the Imperial University ); Minister of Justice, Mr. Kiyoura Keigo; Minister for Agriculture and Commerce, Mr. Hirata Tosuké; Minister for Communications, Viscount Yoshikawa; Minister for War, General Baron Kodama; Minister for Navy, Admiral Yamamoto.

Mr. Kato's unwillingness to remain Minister for Foreign Affairs in the new Cabinet is generally regretted by the public. It is thought that the portfolio will be offered to Mr. Komura, now Japanese Minister at Peking. Until the permanent appointment, Mr. Soné, the Minister for Finance, will be at the head of the Foreign Office.

This complete change was made after the lapse of just one month since Marquis Ito's resignation was tendered, the interval having been bridged by the temporary continuance of the other Ministers at their posts, with Marquis Saionji as Acting Premier and Minister of Finance,— as described in my despatch of the 17th ultimo.

Marquis Ito having refused at present to return to office, Count Inouye was next asked to form a Cabinet; but after some days' investigation, he stated his inability to do so.

Indeed, after endless fruitless consultations and efforts on the part of the Genro ( elder statesmen or founders ), Vis-

count

count Katsura, a comparatively young general formerly Minister for War, was induced to form a Cabinet.

The present is an independent Cabinet. It will no doubt enjoy the support of the influential Marquis Yamagata, in whose last Cabinet five of the present Ministers served, of the Peers, and of all who are against party government.

On the other hand, the two principal political parties, led respectively by Marquis Ito and Count Okuma being both wedded to the principle of party government, there is no reason to suppose that either will support the Katsura Ministry in any doubtful issue.

This is the first Cabinet not predominated by the "Elder Statesmen" , composed regardless of the balance of the Satsuma and Choshiu clans, and composed of fairly young men.

The "Elder Statesmen" appear to have lost a good deal of influence through their inability to cope with recent difficulties; and Japanese politics seem to be emerging from their tutelage.

What with the likelihood of opposition in the Lower House, and the problems of finance and diplomacy which confront the Katsura Cabinet, the personnel of which shows no sign of particular strength, there is not much likelihood that it will last long. Indeed it is somewhat surprising that Marquis Saionji's interim cabinet was not retained until an arrangement promising greater stability could have been reached.

It seems probable that Marquis Ito wished to have another Cabinet formed by those who had opposed his party, he meanwhile devoting himself to the development of the Constitutional Association, and awaiting the time when, by the probable failure of this new attempt at non-party government, even the Peers should recognize the need of party support in a representative government.

From the moment Marquis Ito, who has often shown great strength in domestic affairs, took the lead of a political party, the control of the "Elder Statesmen" was undermined and the late

late conflicts became inevitable.

I have the honor to enclose a clipping from to-day's Japan Mail containing a translation of Marquis Ito's speech to his party, which throws some light on his ideas.

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

Enclosure:

Clipping from Japan Mail of June 3rd, 1901.

Enclosure with Mr Wilson's No 566, June 3, 1901.

The Japan Daily Mail.

YOKOHAMA, MONDAY, JUNE 3, 1901.

Marquis Ito's speech, alluded to above, was as follows :—"I wish to say a few words about the course of events up to the present and about the future. The reasons that I placed my resignation in the hands of His Majesty may be summed up in the statement that I failed to preserve unity among my colleagues in the Cabinet with regard to our policy. It can not be denied that the blame of that failure rests upon me. When I received His Majesty's command last year to form a Cabinet, I felt that the time was premature and also that the state of my own health was an obstacle, but I had no choice in view of the circumstances under which the former Cabinet went out of office. Subsequently a long illness of three months prevented me from taking any active part in the administration. I was obliged to delegate my duties to a substitute, and it was not in my power to conduct any of the essential investigations. In a very brief time the Diet assembled, and it was only in January, when the session had been half concluded, that I was able to take up my duties, which came to an end in March so far as the Diet was concerned. You are aware of the difficulties that had to be encountered during the session. I mean the difficulties with the House of Peers. For these I was unprepared, since, not having anticipated the Imperial command to form a Ministry, I had not made any arrangements. Many counsels were tendered to me during that crisis, but I did not attempt to manipulate the opposition, nor did I adopt any measure with regard to the Upper House. I merely let things take their course. It is possible that my procedure may have been a cause of failure, and if so the fault is mine. Ultimately it became necessary to seek the intervention of His Majesty, and by the Imperial wisdom the passage of the taxation bills was secured. Almost immediately, however, after the closing of the Diet, the question of financial policy came up for immediate settlement, and I was unable to secure unanimity of view among my colleagues. Here again, whatever may have been the difficulties of the problem, the responsibility devolved upon me, and I felt that, under the circumstances, the only course conducive to the public interests was to resign. Having thus gone out of office in consequence of inability to pursue the policy that seemed advantageous to the State, nothing remained except to persist in leaving the task to other hands. My retirement received His Majesty's sanction at the beginning of last month, and the trouble taken since that time by the elder statesmen is matter of public notoriety. It has given me much concern to see that the month of May elapsed without any new Cabinet being organized, but feeling that an attitude of complete reserve best became me after quitting office, I have refrained carefully from interfering, and have occupied the position of an onlooker. On the 29th of May, however, I was summoned to the Palace, and returning to Tokyo the same afternoon, I waited upon His Majesty the following morning. I need scarcely say that this summons had nothing to do with my previous tenure of office or with my relation to the *Seiyu-kai*. It was due merely to my position as one of the *Genkun*. There is consequently no occasion to speak of the views that I had the honour to submit to His Majesty. Viscount Katsura was subsequently summoned, and received the Sovereign's mandate to form a Cabinet, upon which task he is now engaged, and I sincerely trust that he will be speedily successful. It is no easy undertaking to form a Ministry, and the business to be undertaken by a Cabinet at present is of the most difficult nature. I myself have had experience of the onerous work of administration, and can fully sympathise with those to whose lot it falls. The Sovereign's anxiety about the organization of a Ministry is considerable, and the national interests are so much involved that every day's delay is to be regretted. I want you to recognise that I have to fill two characters. The questions addressed to me by the Emperor require me to lay aside all considerations of party, and to speak, as an elder statesman, with regard solely to the interests of the State. I have now given you a brief account of the salient facts relating to my resignation, and I wish to add a word about my hopes with regard to the *Seiyu-kai*. Only a very short time has elapsed since the Party was formed, and not alone was I called upon to discharge the duties of Premier, but I also suffered from ill-health, so that, to my great regret, it has been impossible for me to carry out even a fraction of my intentions concerning the Party. I venture to think, if I may express my sincere opinion, that the recent attitude of this Party has shown a greatly improved sense of responsibility and a determination to eschew hasty actions. Moreover, we are receiving constant accesions of strength in the localities, and I am convinced that, so far from losing influence, the Party is steadily growing in power. Thus, although there has been much commotion among the public in connexion with the present political crisis, the *Seiyu-kai* has not suffered itself to show any confusion or agitation, a fact which may be attributed partly to your appreciation of the great difficulties of the situation, but chiefly to your sense that a political party ought not to make any movement without the fullest reflection and examination. I would ask you to remember, however that administrative problems of the gravest nature present themselves today, and that to leave them unsolved would be most detrimental to public interests. Whatever, Cabinet comes into power, its prime purpose will be to relieve the difficulties of the State and to promote national

interests. Consequently it is essential that this Party should profoundly examine the policy and procedure of the new Ministry, and should model its attitude on the result of such examination. To adopt any line of action without such preliminary care, would be the extreme of rashness. Many of the opinions expressed in public are founded on pure conjecture, and I would earnestly warn you against being guided by such opinions or by personal considerations. After the new Cabinet comes into office, its policy and procedure will gradually be discernible, and when they are discerned it will not be too late for this Party to decide upon its attitude. I do not of course recommend anything like blind support, but neither do I recommend trivial opposition, which is equally bad. It will be no disadvantage to our Party to proceed circumspectly, nor need we apprehend any criticism. We shall be acting in the interests of the State. I have already explained how greatly I regret my inability hitherto to carry out any of my intentions with regard to the Party, but it is my purpose henceforth to do everything in my power. It is for you to decide whether you have confidence in me or not. If you have, I trust that you will support my measures. If you have not, I shall not resent any action you may take. Many men many views is an inevitable state of affairs, nor do I say that it is a fault in a political party. If they march in general line, that is sufficient. It is also inevitable that a party wielding a majority should be the object of much censure and abuse. What is to be avoided, however, is conduct justifying such censure. No one section of this Party occupies my attention. The Party as a whole is the object of my solicitude and it is my hope to see great men emerge from its ranks. Whatever be the majority a party wields, it can not succeed, can not deal with emergencies, unless it possesses men of talent. Events will soon enable us to determine our attitude towards the Ministry. 'Nothing is farther from my wish than to impose any restraints upon you. All that I desire is to deprecate hasty action."

DIPLOMATIC BUREAU.
Bureau of Accounts will please note Ack by subject & file.
ADL

DEP'T OF STATE
JUL
6
1901
2ND ASS'T SECRETARY

UNITED STATES LEGATION,
TOKIO, JAPAN.

INDEX BUREAU
RECD.
JUL 5 '01
DEPT OF STATE

No. 567.

June 10, 1901.

RECEIVED.
JUL
6
1901
BUR. ACCOUNTS. DEP. OF STATE.

Mr. Buck
to the Secretary of State.

Subject:- Mr. Buck resumes his duties.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 567.

June 10, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to report that, returning from my leave of absence in America, I arrived in Tokio yesterday and immediately resumed the duties of my post.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
JUL 15 1901
BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 1

June 15, 1901.

STATE DEPT. REC'D
JUL 13 '01
DEPT. OF STATE

336

To Treasury July 17

Mr. Buck

to the Secretary of State.

Subject:- Rules relating to the examination of personal baggage by the Japanese Customs.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. ~ June 15, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith duplicate clippings from today's Japan Times containing a translation of the rules relating to the examination of passenger's baggage by the Japanese Customs, which have just been issued by the Customs Bureau of the Finance Department.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Clipping in duplicate, as above.

Enclosure with Hon. Bureau's Hon., of June 15, 1901

The Japan Times.

TOKYO, SATURDAY, JUNE 15TH, 1901.

"The following rules are hereby cited for the information of passengers coming from abroad to any open port of the Empire of Japan:—

I.—"All goods coming from abroad as personal effects or passengers' baggage shall be examined by the Customs' officer at the port of first arrival.

II.—"No formal entry is required for the personal effects actually brought by the passengers, but the latter shall make a verbal declaration of the contents of their baggage before the examination begins.

III.—"Dutiable articles found in the baggage, which are not declared, and which are so concealed as to indicate an intention to avoid a payment of duty are forfeitable and the owner is besides liable to be fined, the fine corresponding to three times the amount of the duty which he has evaded or attempted to evade.

IV.—"Passengers who have attempted to import prohibited articles or have actually imported them, are liable to a fine corresponding to the value of the goods forming the subject of the charge, and these goods are forfeitable.

V.—"The following articles allowed to pass free of duty as personal effects, subject to the condition that the quantity of each of those articles which are thus allowed free depends upon the discretion of the Customs' Office.

a. "Clothing, shirts, gloves, stockings, hats, shoes, handkerchiefs and other personal effect of the kind.

b. "Watches, umbrellas, canes or sticks, bracelets, rings, hair ornaments, neck-ties, tabacco-cases, towels, table-cloths, articles of stationery, bicycles, pistols, sporting guns, musical instruments, toys &c.

c. "Toilet articles, cameras, portable-telescopes or opera glasses, deck-chairs, food baskets, portable-dinner sets, portable drugs, trunks, blankets &c.

d. "Comestibles, beverages, tobacco (wines and spirits of any sort which do not exceed two pints of each kind. Tobacco which does not exceed in quantity thirteen ounces of cut-leaf, or one hundred pieces of cigars, two hundred pieces of cigarettes, or six ounces of snuff.)

VI.—"The following are free of Customs' duty.

a. "Books, atlases, maps, charts, journals and news-papers etc.

b. "Negotiable papers.

c. "Gold and silver (bullion or coins.)

VII.—"The importation of the following is prohibited by law.

a. "Adulterated drugs, chemicals, medicines, foods and beverages, considered to be injurious by the laws, ordinances and regulations of the Empire.

b. "All articles for use in smoking opium.

c. "All articles which are considered dangerous to the public health for sanitary reasons or to the safety of animals or plants, under the laws, ordinance and regulations of the Empire.

d. "False coins of any kind and imitations of coins which might be considered to be false coins.

e. "Articles which constitute a violation of the patent, design, trade mark or copyright laws of the Empire.

f. "Opium.

g. "Prints, printed books, paintings, engravings, carvings or any other articles, which might be considered detrimental to public peace or morals.

VIII.—"No duty shall be levied on articles temporarily imported for the professional use of travellers, engaged in scientific researches, or on those imported as samples by commercial travellers in case the importers deposit security corresponding to the amount of duty at the time of importation and provided that the said articles are re-exported within six months from the date of importation.

IX.—"A passenger desirous of sailing from one open port to another open port of the Empire may apply to the Customs officer at the port of first arrival for a certificate of examination to be pasted on the baggage he brings with him so that it may not be re-examined on arrival at that next open port.

X.—"All baggage not taken charge of within seventy-two hours from the time of landing may be kept in custody at the expense and risk of the person concerned."

NOTED
Chief Clerk.

DIPLOMATIC,
UNITED STATES LEGATION,
TOKIO, JAPAN.
JUL 15 1901
BUREAU.

No. ~

June 17, 1901.

Copy to War

Copy to War Dept July 17

Mr. Buck

to the Secretary of State.

Subject:

Appointment of Lieut.-Col. Watanabe, Military Attache'
to the Japanese Legation in Washington.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.~ June 17, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to report that, Lieut. Col. Watanabe of the Japanese Army has been appointed Military Attache' of the Japanese Legation in Washington and I am informed by him, that he is to start for his post in a few days.

Lieut.-Col. Watanabe I understand to be an officer of exceptional ability and one who will be in all respects agreeable to the War Department in the capacity of such Attache', and I commend him accordingly.

I have the honor to be,

Sir,

Your obedient servant,

A E Buck

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.~ June 17, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to report that, Lieut. Col. Watanabe of the Japanese Army has been appointed Military Attache' of the Japanese Legation in Washington and I am informed by him, that he is to start for his post in a few days.

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I have the honor to be,

Sir,

Your obedient servant,

A E Buck

ASSISTANT SECRETARY,
JUL 15 1901

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 568. June 20, 1901.

INDEX BUREAU
RECD
JUL 13 '01
DEPT OF STATE

DIPLOMATIC,
JUL 16 1901
BUREAU.

Ackd and
To Tracy
July 19, 1901

Mr. Buck

to the Secretary of State.

Subject:

Issue of exchequer bills by Japanese Government.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 568. June 20, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

The strained condition of the money market in Japan has been touched upon in dispatch No.555 of April 20th and elsewhere.

As illustrative of the present scarcity of money, I have the honor to report that the Treasury Department announced, last month, that 6 million yens' worth of exchequer bills, to bear interest at the rate of 7½ per cent. per annum, would be issued at the price of their face value on the 7th instant, to be redeemed six months after, the interest being paid simultaneously with the principal.

The bills were for sale for the week ending the 3rd, when it was found that the applications, which were practically all made by banks, amounted to about 7½ millions. It was then decided to issue the bills up to that amount.

The slight surplus of applications to take up such desirable paper has been spoken of by the Japanese press as gratifying.

When the general financial conditions are considered, it is only natural that the Japanese Government has to pay this high price for money in the home market.

The banks of Japan all require from slightly over 10% up in loaning money; and the good ones will not lend at all excepting on the very safest securities, which they keep listed,—such as some of the municipal bonds, the shares of certain railways and banks, and of a very few industrial companies. The best Japanese banks pay 7% on fixed deposits for a year.

Consequently

Consequently no private enterprise attracts Japanese capital unless it is expected to pay over 10%; and no investment, however safe, can find capital excepting at a rate that is very large according to western standards.

The present is the first time exchequer bills have been resorted to since 1889. Probably the money would have been borrowed from the semi-Government Bank of Japan, were its funds not now needed for the use of the country's general economy.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
JUL 13 1901
BUREAU.

ASSISTANT SECRETARY,
Ack. and file.
JUL 12 1901

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 5.

June 22, 1901.

Tokio
July 16
Theodore Marburg
informer. Feb. 17/05

Mr. Buck

to the Secretary of State.

Subject:

Assassination of Mr. Hoshi, formerly Japanese Minister in Washington.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. —, June 22, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to report that Mr. Hoshi Toru, formerly Japanese Minister to the United States, at one time Minister for Communications, and latelt parliamentary leader of the Constitutional Party and a member of the Tokio City Council, was assassinated on yesterday at the City Hall by a man apparently of fairly good position who went there for the purpose.

Just before committing the murder the assassin sent a letter to the House of Peers in which he disclaimed any personal animosity, charged Mr. Hoshi with corrpution and with being a demoralizing influence, and stated that his motive was the public good.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Buck

DIPLOMATIC BUREAU.

DIPLOMATIC, JUL 23 1901 BUREAU.

UNITED STATES LEGATION, TOKIO, JAPAN.

DEP'T OF STATE JUL 23 1901 2ND ASST SECRETARY

Grant as usual
ABA
2

No. 2

July 3, 1901.

REC'D JUL 23 '01

Ans July 29

Mr. Buck

to the Secretary of State.

Subject:

Transmitting Mr. Miller's application for leave of absence.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 7 July 3, 1901.

To the Honorable John Hay,

Secretary of State,

Washington,.

Sir:

I have the honor to enclose herewith, with my approval, Mr. Miller's application for leave of absence, to take effect on or about October 1st, next.

I have the honor to be ,

Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Mr. Miller's application for leave as noted.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. #



July 3, 1901.

Rec'd July 29.

Mr. Miller

to the Secretary of State.

Subject:

Application for leave of absence.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. #

July 3, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to request, with Minister Buck's approval, that I be granted leave of absence for sixty days, to take effect on or about October 1st, next, with permission to visit the United States if circumstances permit.

I have the honor to be,

Sir,

Your obedient servant,

R. S. Miller.

Interpreter of Legation.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. #

July 3, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to request, with Minister Buck's approval, that I be granted leave of absence for sixty days, to take effect on or about October 1st, next, with permission to visit the United States if circumstances permit.

I have the honor to be,

Sir,

Your obedient servant,

R. S. Miller

Interpreter of Legation.

Hd under US Legation to Japan

HEADQUARTERS DEPARTMENT OF CALIFORNIA,

San Francisco, California, July 5, 1901.

The Hon. Secretary of State,

Washington, D.C.

Copy to Japan July 26 c. Ans July 27 c.

SIR:-

I have understood from the Hon. Alfred E. Buck, the United States Minister to Tokyo, that an allowance of fifty (50) dollars per month was made by the State Department to pay for the rent of an Office for the Military Attaché: - I have the honor therefore to ask for instructions as to the manner it should be procured.

I am

Sir,

your obedient servant

O. Elbert

Major Artillery Corps,

Military Attaché.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 569. July 6, 1901.



Rec'd Aug. 6

Mr. Buck,

to the Secretary of State.

Subject:

Requesting authority to purchase new safe .

DIPLOMATIC
JUL 31 190
URE

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 569. July 5, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to request that I may be authorized to buy a fireproof safe for the office of the Legation out of the balance of the contingent fund which is in hand as will appear in my statement of account for contingent expenses forwarded today.

The old iron safe at present in the office is very small, of ancient European pattern, and has been in use at the Legation for many years. It is in no sense "fireproof" and affords no protection whatever as such.

At the same time I would request authority to dispose of the old safe for such amount as I may be able to obtain, and to apply the proceeds toward the new safe.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
AUG 1 1901
BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 570. July 6, 1901.

RECEIVED
JUL 31 '01
DEPT OF STATE

Ansd Aug. 3

902

Mr. Buck

to the Secretary of State.

Subject:

Requesting $450. for putting Secretary's house in condition of repair.

DEPT OF STATE
AUG
1
1901
ASST SECRETARY

DIPLOMATIC BUREAU.
BUREAU OF ACCOUNTS.
Authorize not to exceed $450-

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 570. July 6, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to apply for $450. of the $3000. appropriated by Act of Congress "To enable the Secretary of State to keep "in repair the legation and consular premises owned by the Gov-"ernment of the United States and occupied by its agents", to expend in putting in repair the Secretary of Legation's house, which forms a part of the legation premises here.

The Secretary's house consists in the remnants of two small wooden houses which had long ago been added to a Japanese building,--which has since disappeared. The arrangement of rooms is consequently so peculiar as to make them very inconvenient.

The house can be made satisfactory and comfortable and put in good repair by the following:— The building of a partition and door; the cutting through and placing of a set of double doors and of a large window; the enclosing of the veranda; the construction of two bath-rooms; the building of some servants' quarters (the old ones being no longer habitable); and the repapering of two rooms.

The lowest estimate made by a competent local architect shows that the $450. requested is a very close approximation of the cost of the needed work.

Trusting the Department will authorize the expenditure of the above amount for putting the Secretary's house in better condition,

I have the honor to be,
Sir,
Your obedient servant,

E. E. Buck

PRINTED IN ADVANCE SHEETS No. 1112

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 5. July 8, 1901.

DIPLOMATIC,
AUG 13 1901
BUREAU.

Rec'd Aug. 31 1901 Dept. of State

Ack. Aug. 14 with 5 copies of Report

Ack. May has been printed in advance sheets of Consular Reports for Aug. 13, 1901, pages 849-852 incl. 5 copies

Mr. Buck

to the Secretary of State.

Subject:

Enclosing clipping containing report on Japan's foreign trade for 1900.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 5. July 8, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith a copy of an exhaustive and supposedly an accurate report on the foreign trade of Japan for 1900, prepared at the British Legation, taken from the Japan Weekly Mail of the 6th instant.

The report may be interesting if not profitable to commercial men in the United States.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

Enclosure:

Duplicate clippings containing report, as above.

Enclosure with Mr Bucks No. 2 July 8. 1901.

## FOREIGN TRADE OF JAPAN FOR 1900.

By Mr. Arthur Hyde Lay.

The lamentable occurrences in China and the continuation of an unsettled state of affairs have acted as a check upon the rapidly expanding export trade of Japan, and her manufacturing industries have suffered in consequence. Moreover, the silk crop, upon which this country in the main relies to adjust the balance of its commerce with foreign countries, was a disappointment. With regard to the import trade, the indications in the autumn of 1899 were that the ensuing year would offer splendid opportunities for business. The result was that large quantities of goods were ordered from abroad which appeared in the returns for 1900, and the year opened with a feeling of over-confidence in commercial circles. It soon became apparent, however, that the outflow of specie which had already begun, was likely to increase, and that the large arrivals of commodities expected would find an increasingly stringent money market. These are some of the factors which have operated unfavourably upon the trade of Japan.

The scarcity of money available for mercantile purposes, with the high rate of interest, was much felt during the year under review. It may be pointed out here that unproductive expenditure, or expenditure on works only remotely productive, continues to bear an abnormally large ratio to the wealth and resources of Japan. It is true that a large part of such expenditure takes the form of wages paid within the Empire's own borders. The Japanese wage-earner, however, probably saves at present very much less, even in proportion to the amount of his income, than the European and American worker, and but little of the large wage expenditure in connection with defence works, armaments, railways, &c., goes to form capital in aid of production. Under these circumstances the tendency to an excess of imports over exports and consequent drain of specie must continue to exist, and an adequate cash reserve can be maintained only at a sacrifice of ease in the money market, by prudent limitation of the Government bank note circulation and of credit facilities. The flotation of foreign loans can only afford temporary relief in this respect, and bearing in mind the improbability under the most favourable circumstances of any but a quite gradual increase in wealth derived from resources at present undeveloped, it is evident that the palliative of borrowing is one which should be resorted to with the greatest circumspection.

For the whole year the excess of imports amounted to the large sum of £8,455,751. But everything points to a considerable diminution in imports in 1901. Of the goods which are accounted for in the customs returns, however, no small proportion, though sold on contract, have not been paid for, or else, having been brought out on speculation, have, in view of unfavourable markets, remained without purchasers. A considerable accumulation of goods at the open ports has resulted.

Outflow of Specie.—The exodus of gold coin and bullion was so extensive as to revive the financial anxiety entertained with regard to the reserves in 1899, and even to occasion doubts as to whether the Bank of Japan would be in a position to maintain the convertibility of its notes.

Exports of treasure exceeded imports by £4,175,779. The movement of specie and bullion during the past two years was:—

| Year. | Exports. | Imports. | Total. |
|---|---|---|---|
| | £ | £ | £ |
| 1900..... | 5,791,128 | 1,175,779 | 6,966,907 |
| 1899..... | 1,141,113 | 2,058,357 | 3,199,470 |

Gold coin and bullion were exported to the value of £5,283,998, while only £915,402 worth was introduced into Japan in 1900. The outflow has been for the most part to India and the United States. At the time of the disturbances in North China, Shanghai also took a considerable quantity of gold yen.

Total Trade for 1900.—Foreign trade for 1899 had reached the highest figures recorded since Japan first had commercial dealings with other nations. That record, however, was in its turn surpassed by the result revealed by the returns for the year just ended. In 1900 the value of imports was £9,324,646, of exports £20,868,895, giving a grand total of £30,193,541. Japan continues to make constant progress in all directions, and the trade of the country keeps pace with the advance taking place, and with the accompanying growth in the national requirements. One is, therefore, led to the conclusion that when the unpropitious conditions at present existing—many of which are in their nature transient—are removed, a great and lasting expansion of the foreign trade of the Empire can be hoped for with confidence, until Japan attains in the commercial world a position more commensurate with the rank she has gained in the sphere of international politics.

### Imports.

Under the circumstances which tended to the decrease of imports during the early months of 1899—the taking effect of the new tariff among other causes—it is but natural that nearly all the principal articles of import, more particularly finished products, should have increased in 1900. Cotton manufactures, woollen manufactures, metals, machinery, dyes, sugar, coal, kerosene oil, flour, meal and starches, and rice all contribute substantially to the increase in volume of the import trade. Raw cotton and wool are exceptions to the rule, and the same is true of beans, peas, and pulse. Locomotive engines and railway carriages show a comparatively slight falling-off in value. The duty of 250 per cent. on alcohol and the Government monopoly of leaf tobacco have caused the returns in the former case to dwindle to less than the proportions they had in 1894 before the abnormal growth in the importation of the spirit commenced, while the returns of leaf tobacco have fallen to less than one-tenth of the sum they represented in 1899. Imports for 1900 exceeded those for the preceding year by £6,825,283. The year under review had an import trade exceeding that of any preceding year with the single exception of 1898 which, when a percentage of 15 per cent. to cover freight, &c., is added to the figures then attained by the imports, still remains the record year.

The Government Iron Foundry at Yuwata Village, Onga District, Fukuoka Prefecture in Kiushu, did not commence operations at the contemplated time, namely, July, 1900. Nor has work yet been begun, though the undertaking is well on its way to completion. A trial working of the smelting furnace was made in February with satisfactory results. One reason given for the postponement of initial operations is the scarcity of workmen available in consequence of the great demand for Japanese labour in connection with the Chinese crisis. So it seems likely that it will be well on in 1901 before the foundry will be actually in working order and engaged in the manufacture of rails and sheet-iron. It naturally takes a long time to set in motion the machinery of an establishment of so extensive a nature, and the training of workmen will involve a considerable period. But once it is rightly started experts consider that there is no reason why it should not prove a great success: Twelve Germans are employed on the works, and all the machinery for use there came from Germany. When completed it is expected to give employment to 1,500 or 1,600 workmen.

Provision is made in the Budget for the financial year, commencing on April 1, 1901, for the establishment of works, intended to be supplementary to those just referred to for the manufacture of iron and steel plates in connection with the Naval Arsenal at Kure. The object is, of course, of a military and not of a commercial nature, and the establishment is not necessarily expected to be a financial success.

Machinery.—A substantial increase is to be observed in the case of machinery and steam boilers and engines. The reason for this is that the importation of machinery of all kinds decreased in a signal manner in 1899, owing to the paucity of the contracts entered into the preceding year.

Sugar.—Interesting as an illustration of the pronounced demand for luxuries which nowadays exists in Japan, is the very large increase in the importation of articles which are classified as such by the customs. The wide-spread consumption of sugar is a case in point. The importation of sugar in 1900 was much greater than in the preceding year, but somewhat short of the returns for 1898. From Hongkong and Germany the supplies, which had greatly dimished in 1899, rose again though not to their former level. Most notable was the large quantity imported from Austria, which practically supplied no sugar to Japan in 1897-98, and about £60,000 worth in 1899. In 1900 that country sent sugar valued at £316,856 to Japan.

Foreign Food-stuffs are more and more becoming a necessity for Japan. The yield of agricultural produce, while it fluctuates, does not undergo much permanent change, and the requirements of the people are growing. In 1900 the land under cultivation for wheat and barley was less than in the preceding year, but the harvest was a good one, owing to favourable weather conditions. Flour, meal, and starches, fresh eggs, condensed milk were all imported in much larger quantities in 1900 than during the preceding year.

Industries in Japan languished in 1900. Practically no new undertakings were set on foot, and from those interested in already existing ones the complaint of lack of cheap capital was heard. When, as frequently happens, a company has to pay as much as 14 per cent. for money to carry on affairs, it is small wonder that difficulty in continuing in existence is experienced. The great desideratum is the investment of moderately cheap foreign capital in Japanese enterprises, and many attempts have been made to secure or to offer foreign financial co-operation. So far, however, with one or two exceptions, nothing on a large scale has been done in the matter. As individuals many foreigners are naturally holders of shares in Japanese companies, but concerted foreign investment has been rare. But schemes for the introduction of capital from abroad for various purposes are on foot and may lead to the success of many Japanese industries.

Customs Duties.—Certain classes of goods are now exempt from import duty when imported for the purpose of improvement, provided that they are re-exported within one full year from the date of their importation. The idea is said to be to import, for example, plates from France and have them decorated so as to resemble Kutani ware, and watches from the United States to be enamelled at Nagoya and re-exported.

Abolition of Conventional Tariffs.—A suggestion that the Treaty Powers interested should be approached with a view to the immediate abolition of the conventional tariffs in spite of their comparatively recent conclusion, was made by a journal of much weight in Tokyo. In exchange it was proposed to grant to aliens the right to own real estate in Japan. Until these tariffs were done away with it was felt that Japan had not in reality recovered tariff autonomy, nor could an increase of revenue be obtained at will from customs dues. From what has transpired it can be gathered that the attitude of public opinion in Japan is favourable to a higher customs tariff than is now in force.

### Exports.

The export trade of Japan for the year 1900 was larger than that of all preceding years with the single exception of 1899. Considering the abnormal conditions it had to face, this result cannot, therefore, be deemed altogether unsatisfactory. The chief reasons for the decrease in exportation as compared with the year before are the inactivity in the raw silk trade, the set back to the cotton spinning and manufacturing industries, for which the Chinese crisis was largely responsible, bringing down as it did the returns of manufactured products, and the indifferent rice crop of 1899-1900 which left a comparatively small surplus for foreign consumption. The principal remaining articles which show a falling-off are ginseng, matches, seaweed, and European umbrellas. On the other hand, silk, tissues, camphor, copper, sulphur and timber, as in 1899, contributed to swell the volume of exportation, and porcelain and earthenware, lacquered ware, coal, tea, straw plaits, silk handkerchiefs, fans, cigarettes and beer were all exported in much larger quantities.

The Camphor Monopoly in Formosa was offered for public competition in March, 1900. The contract was to run for three full years from the date on which it took effect, and the question of its renewal and the future terms were to be decided at least six months prior to its expiration. The quantity to be disposed of was estimated at between 3,968,319 and 6,613,865 lbs. a year. The Government selling rate was to be £9 14s. per 132·27 lbs. for Class A and £8 13s. 7d. per 132·27 lbs. for Class B. Security to the amount of £193,958 in all was to be furnished, £183,750 as security for the contract price and £10,208 as guarantee for the due performance of the contract. The contract was secured by a British firm, Messrs. Samuel and Co., of London and Japan. Camphor exported from Japan in 1900 represented a considerable increase in quantity and in value, the latter being especially noteworthy.

The Cotton-spinning Industry in Japan has been in an embarrassed condition for the past three and-a-half years. The evil results of the tendency to over-expansion after the China-Japan War, above all lack of sufficiently large capital funds, are acutely felt. 1900 was in particular a very bad year for cotton-spinning in a country which finds the principal outlet for its yarns in China. The difficulties induced by dear cotton and absence of demand for Japanese yarns found a climax in the closing of the North China trade. Manufacturers were able to carry on work only at a loss and strong companies alone could face the situation. It must not be forgotten too that the Japanese mills have been running for some time and that their machinery is becoming worn out. A German company is rumoured to have been formed with a capital of 5,000,000 *yen* to engage in cotton-spinning in Japan.

Coal.—While the dullness in the manufacturing industry caused stagnation in the coal market at home the great demand for coal for the numerous men-of-war and transports assembled in the Far East by reason of the expedition to China stimulated the exportation of the mineral from Japan. Indeed, the coal industry alone may be said to have profited by the situation in China. About the end of the year the stocks at Moji were estimated at not more than 250,000 tons. Hongkong, British India, China, and the Philippine Islands were the chief consumers of Japanese coal in 1900. But the quantity actually taken by China proper was less than in the previous year.

Direct Trade.—The proportion of the trade, more particularly in the case of exports, which is done direct by the Japanese, is all the time increasing. Imports and exports in the hands of Japanese merchants in 1900 amounted to £18,999,615 in value, as against £30,228,385 worth of commodities imported and exported by foreign merchants. The balance

Enclosure with Mr. Buck's No. July 8, 1901.

# FOREIGN TRADE OF JAPAN FOR 1900.

By Mr. Arthur Hyde Lay.

The lamentable occurrences in China and the c
tinuation of an unsettled state of affairs have acted
a check upon the rapidly expanding export trade
Japan, and her manufacturing industries have suff
ed in consequence. Moreover, the silk crop, up
which this country in the main relies to adjust
balance of its commerce with foreign countries, w
a disappointment. With regard to the import tra
the indications in the autumn of 1899 were that
ensuing year would offer splendid opportunities
business. The result was that large quantities
goods were ordered from abroad which appeared in
returns for 1900, and the year opened with a feeli
of over-confidence in commercial circles. It se
became apparent, however, that the outflow of spe
which had already begun, was likely to increase, a
that the large arrivals of commodities expected wo
find an increasingly stringent money market. Th
are some of the factors which have operated
favourably upon the trade of Japan.

The scarcity of money available for mercan
purposes, with the high rate of interest, was mu
felt during the year under review. It may be poin
out here that unproductive expenditure, or expen
ture on works only remotely productive, continues
bear an abnormally large ratio to the wealth a
resources of Japan. It is true that a large part
such expenditure takes the form of wages paid wit
the Empire's own borders. The Japanese wa
earner, however, probably saves at present very mu
less, even in proportion to the amount of his incot
than the European and American worker, and
little of the large wage expenditure in connecti
with defence works, armaments, railways, &c., g
to form capital in aid of production. Under th
circumstances the tendency to an excess of impo
over exports and consequent drain of specie m
continue to exist, and an adequate cash reserve c
be maintained only at a sacrifice of ease in the mon
market, by prudent limitation of the Governme
bank note circulation and of credit facilities. T
flotation of foreign loans can only afford tempor
relief in this respect, and bearing in mind the i
probability under the most favourable circumstan
of any but a quite gradual increase in wealth deriv
from resources at present undeveloped, it is evid
that the palliative of borrowing is one which shou
be resorted to with the greatest circumspection.

For the whole year the excess of imports amount
to the large sum of £8,455,751. But everything poi
to a considerable diminution in imports in 1901.
the goods which are accounted for in the custo
returns, however, no small proportion, though sold
contract, have not been paid for, or else, havi
been brought out on speculation, have, in view
unfavourable markets, remained without purchase
A considerable accumulation of goods at the op
ports has resulted.

Outflow of Specie.—The exodus of gold o
and bullion was so extensive as to revive the finan
anxiety entertained with regard to the reserves
1899, and even to occasion doubts as to whether
Bank of Japan would be in a position to maintain
convertibility of its notes.

Exports of treasure exceeded imports by £4,175,7
The movement of specie and bullion during the p
two years was :—

| Year. | Exports. | Imports. | Total. |
|---|---|---|---|
| | £ | £ | £ |
| 1900..... | 5,791,128 | 1,175,779 | 6,966,907 |
| 1899..... | 1,141,113 | 2,058,357 | 3,199,470 |

Gold coin and bullion were exported to the va
of £5,283,998, while only £915,402 worth was int
duced into Japan in 1900. The outflow has been
the most part to India and the United States. At
time of the disturbances in North China, Shang
also took a considerable quantity of gold yen.

Total Trade for 1900.—Foreign trade for 1
had reached the highest figures recorded since Jap
first had commercial dealings with other natio
That record, however, was in its turn surpassed
the result revealed by the returns for the year
ended. In 1900 the value of imports was £29,324,6
of exports £20,868,895, giving a grand total
£50,193,541. Japan continues to make constant p
gress in all directions, and the trade of the coun
keeps pace with the advance taking place, and with
accompanying growth in the national requiremen
One is, therefore, led to the conclusion that when
unpropitious conditions at present existing—many
which are in their nature transient—are removed
great and lasting expansion of the foreign trade
the Empire can be hoped for with confidence, u
Japan attains in the commercial world a posit
more commensurate with the rank she has gained
the sphere of international politics.

## Imports.

Under the circumstances which tended to the
crease of imports during the early months of 189
the taking effect of the new tariff among other cau

more difficult to attain and once attained, more enduring and permanent.

In fact, it seems to me that it is really the difficulty of attaining the new modern moral culture on the part of the people of Europe, and not the civilisation of the yellow race which is at present the real danger not only to the people of Europe, but to the destiny and civilisation of the human race. The population of Europe, having for the most part lost the sense of the force and sanction of their old mediæval moral culture and not having sufficiently attained to the modern moral culture to use it as a restraining force for keeping civil order, have now to be kept in order not by any moral force at all, but by sheer physical force of police or what is called Militarism. "The state of modern Europe, said Carlyle "is Anarchy *plus* a constable." A French writer put it better :— "C'est la force attendant le droit."

But the enormous cost necessary for maintaining this immense scale of militarism in modern Europe is becoming ruinous to the economic well-being of the people. To escape from this ruin, the people of Europe, it seems to me have two courses open to them: either to struggle hard for the attainment of the new modern culture or to return to mediævalism. But back to mediævalism the people of Europe will never consent to return. "Wir gehen nicht nach hanosser" the great Prince Bismarck has said. Indeed, the people of Europe, even if they are willing, cannot now get back to the true mediævalism of the past. The people of Europe in trying to return to mediævalism will only arrive either at the extravagances of the Salvation Army or the jugglery of the Ultramontanism of the Jesuits.

Now if any one would like to know what a force destructive of civilisation and all true moral culture, the extravagances of the Salvation Army may one day become in Europe, he should read the history of the last Taiping rebellion in China. The Chinese Christians of that rebellion losing their national moral culture appealing to reason, went back to the moral culture of mediæval Europe which appeals to the passion of hope and fear in the hearts of the multitude, and the result was devastated provinces and the sacrifice of a million lives.

As for the Ultramontanism of the Jesuits, it is even worse than the extravagances of the Salvation Army. The intellectual jugglery of Ultramontanism is an outrage upon human nature. The reaction against such an outrage will be, as Carlyle has pointed out, "widespread suffering, mutiny, and delirium; the hot rage of sansculottic insurrections, the cold rage of resuscitated Tyrannies; brutal degradation of the millions, the pampered frivolty of the units; that awful spectacle 'the throne of Iniquity decreeing injustice by a law.'"

In plain language the practical outcome of Jesuitism may be defined as the Gospel, to use a vulgar expression, of knowing on which side your bread is buttered. The social order founded upon such a mean and base mental habit cannot last. After Louis Napoleon of France came *La Débacle*, the commune of Paris. Who knows what is in store for the people of Europe if they were to go back to mediævalism and succeed only in arriving at the ultramontanism of the Jesuits?

I have said that the civilisation of the yellow race can never be a danger to the people of Europe. The danger lies rather, it seems to me, in the ignorant and the wanton way in which the "pampered units," of Europe are urging their governments to deal with this civilisation. The press in Europe, and especially in England, which is the mouthpiece of the "pampered units," unites in urging what is called the gun-boat policy in China and writes with equanimity upon the partition of China. But I wonder if it ever occurred to anyone to calculate how much it would cost the nations of Europe to restore order and police the four hundred million people of China when once the rule of the mandarins is broken up and the population becomes rabid like the people lately in Armenia, in Turkey. The late General Gordon said: "Remember this: an unsatisfied people mean more troops." Whatever may be said of the helplessness and abuses of the rule of the mandarins in China at the present day, their rule is a moral and not a police rule. Militarism is necessary in Europe but not in China. The foreign gun-boat policy has done and will only do harm to the interests of all concerned, foreigners as well as Chinese. In my opinion, the establishment of an International School for the higher study of Chinese history and literature in Shanghai and at the same time the sending of a large number of Chinese students to Europe and America will do more to foster even the interests of foreign commerce than the most powerful fleet the European nations can send out. But if once Militarism becomes necessary in China, the Chinese will have to become a military power or will have to be kept down by military power from outside. In either case the whole world will have to pay for this added military burden of the world.

Militarism is necessary in Europe because the people are unsatisfied. Militarism is the knight or protector of Civilisation—*C'est la force attendant le*

represents imports by the Government. The figures as regards the export trade were £7,490,939 and £12,727,943 respectively.

### National Trade Partition.

Distribution of Trade was in the following proportions:—

| Country. | Imports. | Exports. | Total. |
|---|---|---|---|
| British Empire— | £ | £ | £ |
| United Kingdom | 7,313,068 | 1,149,764 | 8,462,832 |
| Hongkong ..... | 1,088,193 | 3,999,365 | 5,087,558 |
| British India ... | 2,400,627 | 888,566 | 3,289,193 |
| Australia ..... | 250,710 | 258,325 | 509,035 |
| Canada..... | 32,326 | 301,213 | 333,539 |
| Total..... | 11,084,924 | 6,597,233 | 17,682,157 |
| China ..... | 3,058,492 | 3,253,556 | 6,312,048 |
| France ..... | 826,448 | 1,954,938 | 2,781,386 |
| Germany ..... | 2,980,803 | 362,968 | 3,343,771 |
| U.S. of America ... | 6,406,872 | 5,366,153 | 11,773,025 |

British Trade.—The value of the import trade which fell to the share of the United Kingdom was larger in 1900 than in 1899. Figures show an increase in it of 59 per cent. Cotton yarns, shirtings and cotton prints, cotton satins and cotton velvets, Italian cloths, woollen cloths, machinery and engines, locomotive engines and railway carriages, iron, bar and rod, rails, iron and steel (other), and paper are the chief imports in which we are interested.

The Japanese railway companies with few exceptions have discarded American locomotives in favour of those of British manufacture, merely using up but not replenishing their stock of the former, as they have experienced so much trouble from their boilers. It is only by one or two of the smaller railway companies and the Hokkaido Railway that orders for locomotives are still placed in the United States, and for two reasons, cheapness and despatch. While it is probable that those required for future use will be constructed in Japan, the United Kingdom will benefit by supplying the fittings, such as wheels, sole bars, buffers, and springs, which are not made here. The Formosan Railway last year ordered six locomotives from the United Kingdom to be delivered at Kelung, and steel and other materials for bridgemaking. To save duty the bridges are made at Osaka, and thence sent on to the island.

Germany sent to Japan a large quantity of rails in 1900, and her imports of iron, bar and rod, and other iron and steel, showed a considerable development. More than twice as much paper came from Germany as during the preceding twelve months, and a striking growth is to be noted in what is perhaps the most important branch of trade in which that country is interested in Japan—namely, the importation of sugar.

That the import trade from France is seen to be flourishing is accounted for by the very large and increased quantity of mousseline de laine supplied to Japan.

The United States continue to encroach on spheres of trade which were formerly considered under the exclusive control of the United Kingdom or other nations. American competition is now a permanent feature of the import trade of Japan and is worthy of the careful attention of British manufacturers. The geographical situation of the United States with regard to Japan and the eagerness with which American manufacturers are seeking a market in this country will make her a competitor more and more formidable as time goes on. In 1900 Americans again secured a number of valuable contracts for the delivery of goods in 1901, including one for rails which was estimated at £72,000. Among the reasons for the very large figures to which the import trade from the United States into Japan rose in 1900 was the fact that the extensive orders, the execution of which was undertaken there in the preceding year, included 20,000 tons of rails, which at the high price then prevailing would account for, say, £160,000. A large quantity of electrical machinery for tram-lines and electric lighting and bridge work and wire, as well as flour, are also included in the returns. Telephone cable was at one time a United States monopoly, but now German makers are fulfilling large orders for it. British manufacturers, owing to the high prices asked for, have so far been unsuccessful in obtaining any contracts for this material.

Trade with China.—During the past few years there has been a remarkable growth in the trade between Japan and China, occasioned for the most part by the opening up of markets for Japanese manufactures in the neighbouring Empire. While the exports thither in 1895 amounted in value to £989,636, in 1899 they had risen to £4,109,573. Till May, 1900, the trade preserved its customary expansion. Cotton yarns, cotton tissues, matches, European umbrellas—in particular the first-named—are the manufactures of Japan which most readily find purchasers in China. Hence the crisis in China, which almost put a stop for a time to the commercial intercourse of the two countries, was a blow felt in an especial manner by those industries. Imports from China, too, naturally diminished in some cases, though the sum of them was greater than in 1899. The labour market in Japan was also affected by the withdrawal of numbers of coolies for service, not only with the Japanese troops but also with the forces of more than one foreign nation.

### General.

Yokohama has regained its old position of having a larger foreign trade than any other single port, Kobé (Hyogo), having taken the lead both in 1898 and 1899. But taking the ports of Hyogo and Osaka together, as has always been done in these reports, Yokohama only comes second on the list.

Shimonoseki and Moji exhibit signs of growing commercial activity. The Government iron foundry is only six miles from Moji. Wakamatsu Harbour close by is being dredged, and it is likely to become a busy place in three or four years' time, and may affect the prosperity of Moji. At present vessels of only 12 feet can go alongside the wharf, but by means of dredging it is expected that vessels of 20 feet or so will suffer no inconvenience there before long. Wakamatsu has now one steam crane, handling 1,000 tons a day, a hydraulic crane, handling 1,500 tons, and a coal-loading machine (hydraulic), loading 2,500 tons a day. Two Brown's patent coal-handling machines obtained from the United States are being erected: these will deal with 6,000 tons of coal in ten hours. In view of the important position now occupied by Shimonoseki and Moji a British Consulate is to be opened shortly at the former port, while the office at Hakodate is to be reduced to a Vice-Consulate.

The increase in trade in the case of the Hokkaido ports has also been marked.

Shipping.—Japanese shipping is now composed of 846 steam vessels of 528,321 tons and 3,280 sailing vessels of 304,161 tons, 4,126 vessels with a tonnage of 832,482 tons in all. A continuous steady increase is taking place in the numbers and tonnage of vessels flying the Japanese flag, and the Japanese are showing unflagging zeal in the development of their mercantile marine. The leading steamship lines appear as usual to be in a flourishing condition, to judge from the reports presented to the shareholders and the dividends declared. The dividend of the Nippon Yusen Kaisha, for example, was at the rate of 12 per cent. per annum for the second half of the last business year.

British Shipping shows an increase of 133 vessels, 499,559 tons, as compared with 1899. The Peninsular and Oriental Steam Navigation Company have sold their two steamers which used to run between Hongkong and Yokohama carrying passengers and cargo, and, at times, mails. The *Rosetta* and *Rohilla* are now in Japanese hands. It would appear as if the company had found themselves unable to compete with the heavily subsidised German, French, and Japanese mail lines, and had, in the meantime at least, abandoned a struggle which they had for some time carried on at a disadvantage and with little success. Passengers wishing to travel home now by a British mail line must proceed first to Shanghai or Hongkong, either by the "intermediate" vessels of the Peninsular and Oriental, or by vessels belonging to some other line. It is regretable that the British Mercantile Marine is not better represented in these water. An inquiry addressed to a passenger intending to proceed to Europe *via* India as to the line he will travel by elicits the almost invariable response "by German mail." The Norddeutscher Lloyd continues to own the most commodious and best appointed vessels on this route.

Trusts in Japan.—There was some talk in 1900 of the formation of "trusts" in Japan to control some of the more important fields of industry, such as cotton-spinning, clock and watch making, coal production, &c., but in most cases the proposed combination was not found to be feasible. A Tokyo journalist, commenting on the subject, has given it as his opinion that trusts are a failure in Japan for three reasons. In the first place they are not founded on a strong basis; in the second, they suffer from lack of capital; and lastly, the credit of their promoters is unsound. In the case of coal, however, an exception is furnished to the rule, for the colliery owners signed in November a provisional agreement binding them to fixed rates for the sale of their coal.

Foreign Capital.—One of the schemes whereby the Japanese are seeking to attract foreign capital is the granting to aliens of permission to hold shares in Japanese railway companies. It has been decided that there is no objection to the purchase by foreigners of such shares provided that there exist no proviso to the contrary in the bye-laws of a railway company, and the Department of Communications on June 5, 1900, informed eight of the private railway companies, by whom it had been approached on the subject, that they might if necessary alter their bye-laws so as to open the door to foreign co-operation. Many of the Japanese railways have been built in sparsely-populated districts more apparently with a view to military contingencies than with the prospect of adequate return for the outlay. In such of the railways, however, as traverse populous areas and connect towns of commercial importance
ment of foreign capital would be mutuall
more especially if the foreign shareholder
to exercise their influence in the direction
efficiency of service and the reduction
expenditure.

That Formosa does not offer many
commercial or otherwise, to foreigner
gathered from the small number of foreig
in the Island. The latest statistics place
at 90. Chinese inhabitants, who are Jap
jects, are reckoned at 2,625,709 souls, an
1,302 Chinese from the mainland there
The principal industries being the subject
ment monopoly, the field for private ente
stricted. Railway work in the island is
gress. The line between Tako and Tain
in length, was finished and opened towar
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That the import trade from France is seen to be flourishing is accounted for by the very large and increased quantity of mousseline de laine supplied to Japan.

The United States continue to encroach on spheres of trade which were formerly considered under the exclusive control of the United Kingdom or other nations. American competition is now a permanent feature of the import trade of Japan and is worthy of the careful attention of British manufacturers. The geographical situation of the United States with regard to Japan and the eagerness with which American manufacturers are seeking a market in this country will make her a competitor more and more formidable as time goes on. In 1900 Americans again secured a number of valuable contracts for the delivery of goods in 1901, including one for rails which was estimated at £72,000. Among the reasons for the very large figures to which the import trade from the United States into Japan rose in 1900 was the fact that the extensive orders, the execution of which was undertaken there in the preceding year, included 20,000 tons of rails, which at the high price then prevailing would account for, say, £160,000. A large quantity of electrical machinery for tram-lines and electric lighting and bridge work and wire, as well as flour, are also included in the returns. Telephone cable was at one time a United States monopoly, but now German makers are fulfilling large orders for it. British manufacturers, owing to the high prices asked for, have so far been unsuccessful in obtaining any contracts for this material.

TRADE WITH CHINA.—During the past few years there has been a remarkable growth in the trade between Japan and China, occasioned for the most part by the opening up of markets for Japanese manufactures in the neighbouring Empire. While the exports thither in 1895 amounted in value to £989,636, in 1899 they had risen to £4,109,573. Till May, 1900, the trade preserved its customary expansion. Cotton yarns, cotton tissues, matches, European umbrellas—in particular the first-named—are the manufactures of Japan which most readily find purchasers in China. Hence the crisis in China, which almost put a stop for a time to the commercial intercourse of the two countries, was a blow felt in an especial manner by those industries. Imports from China, too, naturally diminished in some cases,

*Haidee*, *Kingfisher*, and not more than 15 seconds separated the first and last boats. They passed the Lightship in this order:—*Haidee*, *Kingfisher*, *Mary*, *Spray*, *Daimyo*, *Svanhild*, *Mosquito*, *Surprise*. They all tacked inshore, to avoid the flood tide apparently, and *Mary* set her gafftopsail and jibtopsail shortly after two o'clock, going very well in the lightening breeze. Down the bay the wind quite dropped and the leaders lay becalmed for some time off Uraga, *Mary* only getting in at 6.21.00, *Spray* at 6.27.04, the latter, of course winning first prize easily on her time allowance. The others got in at all hours, some as late as ten o'clock. A trip had been projected to Misaki on the following morning but the weather was not inviting and *Spray* alone undertook the passage. The others left Uraga for home in the course of the forepoon and the first-comers began

will suffer no inconvenience there before long. Wakamatsu has now one steam crane, handling 1,000 tons a day, a hydraulic crane, handling 1,500 tons, and a coal-loading machine (hydraulic), loading 2,500 tons a day. Two Brown's patent coal-handling machines obtained from the United States are being erected: these will deal with 6,000 tons of coal in ten hours. In view of the important position now occupied by Shimonoseki and Moji a British Consulate is to be opened shortly at the former port, while the office at Hakodate is to be reduced to a Vice-Consulate.

The increase in trade in the case of the Hokkaido ports has also been marked.

SHIPPING.—Japanese shpping is now composed of 846 steam vessels of 528,321 tons and 3,280 sailing vessels of 304,161 tons, 4,126 vessels with a tonnage of 832,482 tons in all. A continuous steady increase is taking place in the numbers and tonnage of vessels flying the Japanese flag, and the Japanese are showunflagging zeal in the development of their mercantile marine. The leading steamship lines appear as usual to be in a flourishing condition, to judge from the reports presented to the shareholders and the dividends declared. The dividend of the Nippon Yusen Kaisha, for example, was at the rate of 12 per cent. per annum for the second half of the last business year.

BRITISH SHIPPING shows an increase of 133 vessels, 499,559 tons, as compared with 1899. The Peninsular and Oriental Steam Navigation Company have sold their two steamers which used to run between Hongkong and Yokohama carrying passengers and cargo, and, at times, mails. The *Rosetta* and *Rohilla* are now in Japanese hands. It would appear as if the company had found themselves unable to compete with the heavily subsidised German, French, and Japanese mail lines, and had, in the meantime at least, abandoned a struggle which they had for some time carried on at a disadvantage and with little success. Passengers wishing to travel home now by a British mail line must proceed first to Shanghai or Hongkong, either by the "intermediate" vessels of the Peninsular and Oriental, or by vessels belonging to some other line. It is regretable that the British Mercantile Marine is not better represented in these water. An inquiry addressed to a passenger intending to proceed to Europe *viâ* India as to the line he will travel by elicits the almost invariable response "by German mail." The Norddeutscher Lloyd continues to own the most commodious and best appointed vessels on this route.

TRUSTS IN JAPAN.—There was some talk in 1900 of the formation of "trusts" in Japan to control some of the more important fields of industry, such as cotton-spinning, clock and watch making, coal production, &c., but in most cases the proposed combination was not found to be feasible. A Tokyo journalist, commenting on the subject, has given it as his opinion that trusts are a failure in Japan for three reasons. In the first place they are not founded on a strong basis; in the second, they suffer from lack of capital; and lastly, the credit of their promoters is unsound. In the case of coal, however, an exception is furnished to the rule, for the colliery owners signed in November a provisional agreement binding them to fixed rates for the sale of their coal.

FOREIGN CAPITAL.—One of the schemes whereby the Japanese are seeking to attract foreign capital is the granting to aliens of permission to hold shares in Japanese railway companies. It has been decided that there is no objection to the purchase by foreigners of such shares provided that there exist no proviso to the contrary in the bye-laws of a railway company, and the Department of Communications on June 5, 1900, informed eight of the private railway companies, by whom it had been approached on the subject, that they might if necessary alter their bye-laws so as to open the door to foreign co-operation. Many of the Japanese railways have been built in sparsely-populated districts more apparently with a view to military contingencies than with the prospect of adequate return for the outlay. In such of the railways, however, as traverse populous areas and

Cor. Bureau.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 571.

DIPLOMATIC,
JUL 31 1901
BUREAU.

July 8, 1901.

To Treasury Aug. 1

Mr. Buck

to the Secretary of State.

Subject:

Reciprocal Customs courtesies to Consular Officers.

Cor. Bureau.

**UNITED STATES LEGATION,**
**TOKIO, JAPAN.**

No. 571.

DIPLOMATIC,
JUL 31 1901
BUREAU.

July 8, 1901.

To Treasury Aug. 1

Mr. Buck

to the Secretary of State.

Subject:

Reciprocal Customs courtesies to Consular Officers.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 571. July 8, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's circular instruction of the 29th of last May, pointing out that Article 476 of the United States Customs Regulations provides for the free entry "of articles "sent by a foreign government, fot its use, to an agent in "this Country, on application through the Department of "State", and directing me, with a view to the establishment of Article 476 on a reciprocal basis, to acertain the course pursued in this respect towards United States Consular Officers by the Government of Japan.

Referring to my dispatch No. 187 of August 29, 1898, and prevoius correspondence, I have the honor to state, in reply, that the course pursued by the Japanese Government is to extend no reciprocal courtesies in the matter of the admission of our consular supplies without the payment of duty.

I have the honor to be,
Sir,
Your obedient servant,

E. E. Buck

DIPLOMATIC,
JUL 1901
BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 572. July 8, 1901.

DEPT. OF STATE
JUL 31 1901

Rec'd Aug. 7-

Mr. Buck

to the Secretary of State.

Subject:

Japanese Village Company at Pan-American Exposition,—confirming Department's telegram.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 572. July 8, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to confirm your telegraphic instruction received the 23rd ultimo, as follows:

"Washington, June 22, 1901.

"American Minister, Tokio.

"The Company who desire to bring over Japanese waitresses "for Bufallo Exposition are men of high character and financial "responsibility. At request of Director General Buchanan, you "are instructed to communicate this to Japanese Government.

"HAY".

Immediately upon the receipt of the above telegram I addressed to the Minister for Foreign Affairs a note on the subject of the Japanese Village Company's desire to take to the Pan-American Exposition some "geisha" to appear in their representation of a Japanese village, at the same time recapitulating the facts touched upon in dispatch No.562 of May 20th.

I further pointed out that the letters (from Congressman Ryan and others) which the Department, whilst assuming no responsibility, had authorized me to state were genuine, attested to the good standing and responsibility of the gentlemen connected with the Japanese Village Company,—who were understood to have guaranteed the propriety of the part to be taken by the Japanese subjects whose presence at the Exposition they desired, their proper treatment, and their return to Japan at the termination of the Exposition,—facts appearing in those letters.

In closing, I communicated to the Minister for Foreign Affairs the substance of your telegraphic instruction confirmed above.

This

This note was taken to the Foreign Office by the Second Secretary of Legation, who lent, for perusal, the copies of letters before referred to.

The representative of Mr. Hashimoto, the Company's agent, called here, and was informed in order that he might act.

In the reply which I have now received from the Minister for Foreign Affairs he states the following:

"Some time ago the said Hashimoto applied to this Depart-
"ment through the Governor of Tokio-Fu for the issue of pass-
"ports to those 'geisha' for the purpose of proceeding to Ameri-
"ca, enclosing in the application a letter of the Director Gen-
"eral of the Bufallo Exposition and other documents. In view
"of the fact, however, that there have been a number of Japanese
"women of low class who having gone abroad, but finding them-
"selves at a loss what to do there, fell in with serious diffi-
"culties, the Governor of Tokio-Fu was required to make full in-
"quiries whether there be any need for entertaining such appre-
"hension because of the status, profession and usual conduct of
"the 'geisha', who proposed to accompany the said Hashimoto, and
"and as the result of such investigations the said Governor was
"instructed to counsel those 'geisha' so as to cause them to
"forsake their idea of going abroad.

"Under these circumstances, I regret to state that I am
"constrained to think that no further consideration can be given
"to the subject of Your Excellency's note under reply."

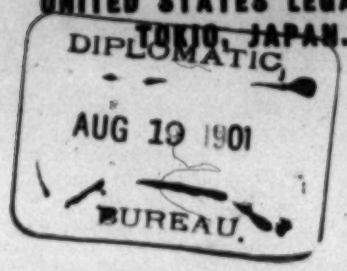
I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

UNITED STATES LEGATION,
TOKIO, JAPAN.




July 20, 1901.

No. ~

Mr. Buck

to the Secretary of State.

Subject:- Annual Inventory of Government property in legation.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.~ July 20, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith the usual "Annual Furniture Schedule" together with a complete inventory of the books, records, and other property of the Government in this legation.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck

Enclosure:- Annual inventory as above.

Enclosure with Mr. Buck's No. ~ of July 20, 1901.

INVENTORY.

BOOKS IN THE LIBRARY OF THE UNITED STATES LEGATION.

Tokio, Japan, July 1, 1901.

International Law.

| Title of Work | No. of Vols. |
|---|---|
| Vattel, Law of Nations | 1 |
| Marten, Summary of the Law of Nations | 1 |
| Puffendorf, Law of Nature and Nations | 1 |
| Savigny, Private International Law | 1 |
| Story, Conflict of Laws | 1 |
| Gardiner, International Law | 1 |
| Gratius, War and Peace, Whewell | 3 |
| Polson, Law of Nations | 1 |
| Westlake, Private International Law | 1 |
| Woolsey, International Law | 1 |
| Wharton, International Law Digest with Appendix | 3 |
| Another edition of the same | 3 |
| Pillmore, International Law | 4 |
| Wheaton, Elements of International Law | 1 |
| More on Extradition | 2 |
| Hall, International Law | 1 |

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CONSTITUTIONAL LAW.

| | |
|---|---|
| Story of the Constitution | 2 |
| Rawle on the Constitution | 1 |
| Baldwin on the Constitution | 1 |
| Sargent on Constitutional Law | 1 |
| Towle on the Constitution | 1 |
| Paschal, Annotated Constitution | 1 |

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ADMIRALTY AND MARITIME LAW.

| | |
|---|---|
| Conklin, Admiralty Jurisdiction | 2 |
| Benedict, Admiralty | 1 |
| Curtis, Admiralty Digest | 1 |
| Parsons on Shipping and Admiralty | 2 |
| Tudor, Leading Cases, Mercantile & Maritime Laws | 2 |
| Abbot, Admiralty Reports | 1 |
| English Admiralty Reports | 9 |

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## GENERAL LAWS.

Kents Commentaries----------4
Blackstone's Commentaries----------2
Stephens's Commentaries----------4
Greenleaf on Evidence----------3
Parsons on Contracts----------3
Brightly's Digest of U. S. Statutes----------2
" Federal Digest----------2
Cooley on Constitutional Limitations----------1
Sumner's C. C. Reports----------3
Bond's C. C. Reports----------2
Bateman's Commercial Law----------1
Hilliard on Torts----------2
" on Remedies for Torts----------1
Holcomb's Leading Cases of Commercial Law----------1
Morse on Arbitration and Award----------1
Parsons on Partnership----------1
Story on Bailments----------1
" on Agency----------1
Edwards on Bills----------1
Bouvier's Law Dictionary----------2

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## POLITICAL ETC.

Madison's Papers----------3
Elliot's Debates----------5
Washington's Writings---------- 12
Jefferson's Writings----------9
Hamilton's History of t e Republic----------7
Adams's (John) Works----------10
Webster's Speeches----------3
The Federalist----------2
Burke's Works----------12
Smiths (Adam) Works----------1
De Toqueville's American Institutions----------1
Benton's Thirty Years and Abridgement of Debates-----2
Draper's Civil Policy in America----------1
" American Civil War----------3
"" Intellectual Development of Europe----------1
Webster's Unabridged Dictionary----------1
Greeley's American Conflict----------2
Mill's Political Economy----------2
Grove's Greek & English Pronouncing Dictionary-------1
Latin-English " "----------1
French-English " "----------1
German-English " "----------1
New American Cyclopaedia, 16 vols.& 11 vols. Annual-27
Macauley's Works----------12
Hallam's History of England (3), Middle Ages (3)-----6
Bancroft's United States----------9
Hume's England (Hume 6, Smollet 4, Hughes 7)--------14
Froude's England----------6
Hildreth's United States----------5
Bible----------4
Palfrey's New England----------3
Millman's Christianity----------3
Rawlinson's Great Empires 9 Eastern Monarchies-------3
Alison's Europe----------23
Buckle's Civilization----------3
Prescott's Works----------15
Gibbon's Rome----------8
Gizot's Civilization----------2
Grote's Greece----------12

Smyth's Modern History and the French Revolution-----5
Drake's American Biographical Dictionary----------1
Appleton's Mercantile Dictionary----------1
" Cyclopaedia of Biography----------1
Colton's Larcon----------1
Scott's Works(Poetical 1, Napoleon 3, Novels 48)----52
Dickens's Works----------26
Spectator----------6
Lamb's Works----------4
Carlyle's Works----------15
De Quincy's Works----------16
Cooper's Novels----------32
Bryant's Poems----------1
Duyckinck's Cyclopaedia of American Literature-------2
" History of the World----------4
Motley's Works----------7
Milton's Works----------11
Shakespeare's Works----------4
Byron's Works----------17
More's Works----------1
Burns's Works----------2
Whittier's Works----------2
Percival Works----------2
Hawthorne's Works----------17
Holmes's Works----------1
Lowell's Works----------2
Parkman's Works----------6
Dickson's Japan----------1

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LEGAL.

Story's C. C. Reports----------3
Clifford's C. C. Reports----------2
Woodbury & Minot's Reports----------3
Curtiss C. C. Reports----------2
Paine's Reports----------2
Blachford's Reports----------9
Hare and Wallace's American Leading Cases----------2
Daniell's Chancery Pleading and Practice----------3
Bennett's Leading Criminal Cases----------2
Opinions of the Attorney General----------13
Wallace's United States Supreme Court Records-------23
Curtis's Decisions of the Supreme Court----------22
Black's Reports----------2
Howard's Reports----------7
Statutes at Large with Index----------36
Smith Leading Cases----------2
Revised Statutes of the United States----------2
The Same with Supplement----------1
Charters and Constitution of the United States-------2
Treaties and Conventions of the United States--------1
Consular Regulations of the United States----------5
Hickey's Constitution of the United States----------1
Consular Jurisdiction -Secretary of State----------1
Boissanade, CivilCode of Japan--pamphlet----------2
" Criminal " " " ----------2
Sawyer's U. S. Reports, 9th Judicial District-------13
Supreme Court Reports(vols 91 to 176, inclusive)----86
Scidmore's Digest of Leading Consular Cases----------1
Regulations of Consular Courts----------2
Collection of Laws and Ordinances of Japan(Japanese)220

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## MISCELLANEOUS

Census of the United States, 1800----------2
Curzon's Problems of the Far East----------1
The Times Atlas----------1
Brinckley's Japanese-English Dictionary----------2
Worcester's Dictionary, Unabridged----------1
Protocols of Conference of Treaty Revision, 1882-----1
Muurray's Handbook of Japan----------1
Nakamura's Dictionary, English, Chinese, & Japanese--2
Japanese radical Dictionary----------1
Penal Code of Japan in French----------1
U. S. Japan Expedition, Commodore M. C. Perry--------3
Messages and Papers of the Presidents----------10
Lonholm's Commercial Code of Japan(1&2 Editions)-----2
" Civil Code of Japan----------1
" Law of Regirtration----------1
" Condition of Foreigners under the New Treaties1
Chamberlain's WrittenLanguage (Japanese)----------1
Lonholm,Digest----------1

OFFICIAL RECORDS OF THE UNITED STATES LEGATION. TOKIO.

Mr Harris.

Dispatches from the Department of State----------1
" to " " ----------L
Notes from the Japanese Government----------5
The same (with Mr. Pruyn)----------1
Notes to Japanese Gov't and Miscellaneous----------2
" from " " ----------2
The same ( with Mr. Pruyn)----------1

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Mr. Pruyn.

Dispatches from the Department of State----------1
" to " "
(with Mr.Van Valkenburgh)-1
Notes from the Japanese Government----------5
" to " " (& Miscellaneous)----------1
Notes from Miscellaneous----------6
The same (with Mr. Harris)----------1
Miscellaneous Papers----------1

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Mr. Van Valkenburgh.

Dispatches from the Department of State----------2
" to " " ----------1
Notes from the Japanese Government----------6
Notes to ditto & Miscellaneous----------1
Notes from Japanese Government & Miscellaneous----------6
Miscellaneous Papers----------3

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Mr. DeLong.

Dispatches from the Department of State---------- ---3
" to " " ----------1
Notes from the Japanese Government----------12
Notes from Miscellaneous----------13
Miscellaneous Papers----------3
Special Claims----------2

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Mr. Bingham.

Dispatches from the Department of State----------16
" to " " ----------6
Notes from the Japanese Government----------19
" to " " ----------3
From Miscellaneous----------27
To " ----------4
Special Cases and Translations----------4

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Mr Hubbard

Dispatches from the Department of State----------8
" To the Department (with Mr Bingham's No.6)----1
" " " (2 & 3)----------2
Notes from the Japanese Government----------8
The same with Mr.Bingham's No.3---------- -----1
to Japanese Government (marked 2)----------1
From Miscellaneous----------8
" " with Mr. Bingham's No.4----------1
" " marked 2---------- ----------1
The Fullert Case----------1
The Kernan Case----------1

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Mr. Swift

Dispatches from the Department of State----------3
" " " " ----------1
From the Japanese Government----------3
To " " with Mr Hubbard----------1
From Miscellaneous----------3
To ditto with Mr. Hubbard----------1

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Messers Swift and Dun.

From the Department of State---------- 1
From the Japanese Government----------1
From Miscellaneous----------1

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Mr. Dun.

From the Department of State----------2
" the Japanese Government----------2
" Miscellaneous----------2

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Mr. Coombs.

From the Department of State----------2
To ditto with Mr. Swift----------1
From the Japanese Government----------2
Ditto with Mr. Swift----------1
From Miscellaneous----------2
To ditto with Mr. Swift----------1

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Mr. Dun

From the Department fo State----------8
To ditto---------- ----------1
" with Messers Swift and Coombs---------- ----1
From the Japanese Government----------8
To ditto with Mr. Coombs----------1
To Miscellaneous----------1
The Peace Negotiations between China and Japan----------1
The Bush Case----------1
To Miscellaneous with Mr. Coombs----------1
From " ---------- ----------8

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Mr. Buck.

From the Department of State----------7

To the Department of State-------(with Mr.Dun)------- --1
Ditto----------1
From the Japanese Government----------5
To ditto------ ----------1
To ditto with Mr.Dun----------1
From Miscellaneous----------7
To ditto----------1
To ditto with Mr. Dun----------1

MISCKLLANEOUS RECORDS

Passport Record Books, 1 Court Record Book, I CopyNo.25
Cipher Code of the Department of State and Pamphlet No.25
Holoclyptic Code and Appendix to Department Code I876,.
Records of Japanese Passports, Leases, Contracts, etc,etc.
Foreign Relations including I897.

I hereby certify that the foregoing annual inventory includes and describes all the Archives, and all the books in the Library, of this Legation, and all other books which at any time came into my possession and remain under my control as the property of the Government of the United States

W. E. Brick

# ANNUAL FURNITURE SCHEDULE.(OFFICE)

United States Legation, Tokio, Japan, July I, I90I.

6 writing desks
1 type-writer desk
1 sofa
4 revolving chairs
2 office bureaux
1 case for records
3 sets of curtains (Minister's Office)
1 wash stand
2 Remington type-writers
1 Hammond ditto
1 copy press
3 wall maps and 3 sectional maps of Japan
1 small mirror
1 wall map of the United States
2 stoves
3 letter scales
2 office seals for wax
1 large Legation seal with press attached
2 paper punches
1 iron safe
inkstands, erasers, etc & stationary
1 coat of arms
I large national ensign, 1 medium, & 1 storm flag.
I office carpet, 2 rug
8 sets of book shelves
Department mail pouches, keys, seal 7 leads for pouches,
3 book cases
1 round paper stand
1 table
1 cabinet for forms
1 table cover
1 standing desk
awnings for windows
2 arm chairs
5 leather covered office chairs

I hereby certify that the foregoing annual furniture schedule includes and describes all the office furniture of this legation.

Alex Buck

United States Minister.

Tokio, July , I90I.

ANNUAL FURNITURE SCHEDULE.

U.S.Legation, Tokio, Japan, July 1, 1901. Residence Furniture/

20 keyaki chairs, leather covered
1 keyaki extention table 4,6X20
1 keyaki sideboard
2 keyaki dinner wagons
4 sets of curtains
4 white hollands
1 set fire irons
1 wooden coal scuttle

Drawing Room, 1.

1 settee, upholstered
8 easy chairs
1 Percival three seated ottoman
1 oblong consol table
5 white hollands
5 sets of curtains
1 coal scuttle

Drawing Room, 2.

1 settee
3 easy chairs
1 Percival three seated ottoman
2 fancy tables in cherry
2 foot stools
2 sets of curtains
2 white hollands
1 set of fire irons
1 coal scuttle

Library.

1 keyaki table
1 keyaki book case
2 easy chairs
2 arm chairs
5 sets curtains
5 white hollands
1 set fire irons
1 coal scuttle
4 keyaki chairs upholstered in silk

Halll

1 keyaki hat rack
1 large stove

Bed Rooms.

4 keyaki beadsteads
3 small ditto
7 patent woven wire mattresses
7 horse hair matresses
4 toilet tables
7 wash stands
2 Davenports with plush
14 feather pillows

Miscellaneous.

Electric light fixtures throughout the building
Awnings
[illegible]

Miscellaneous continued

1 water tank
Brussels carpets in dining room, library & hall
" " in large bedroom(formerly in drawing room)
1 plain table
1 bath tub Secretary's House
1 water tank
1 bath tub
1 small Tientsin rug
1 sage green woolen rug

I hereby certify that the foregoing annual furniture schedule includes and discribes all the furniture in the residence portion of this legation.

A E Buck

Miscellaneous continued

1 water tank
Brussels carpets in dining room, library & hall
" " in large bedroom(formerly in drawing room)
1 plain table
1 bath tub Secretary's House
1 water tank
1 bath tub
1 small Tientsin rug
1 sage green woolen rug

I hereby certify that the foregoing annual furniture schedule includes and discribes all the furniture in the residence portion of this legation.

A E Buck

DEPT OF STATE
AUG
19
1901
ASSISTANT SECRETARY

DIPLOMATIC BUREAU.
Copy the despatch to the Navy Dept. [I suppose Admiral Rodgers will have sent the original enclosures.]
Ack suitably.

DIPLOMATIC
UNITED STATES LEGATION,
TOKIO, JAPAN.
AUG 20 1901
BUREAU.

No. 2 .

July 20, 1901.

Copy to Navy. Aug. 21

To Asst. Sec. of War Jan. 25 '02.

Mr. Buck

to the Secretary of State.

Subject:- Unveiling of the Perry Monument.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.~. July 20, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to report the comming to Yokohama of Rear-Admiral Frederick Rodgers with his Flagship, the New York, accompanied by the U. S. Ships, New Orleans and Yorktown, comprising a part of the Asiatic Squadron and, also, to remark upon the courtesies extended to the Admiral and the officiers of his ships.

Acting under instructions of the Navy Department to represent the United States Navy upon the occasion of the Ceremonies attending the unveiling of a monument at Kurihama, erected by the Japanese"American Association of Japan" in commemoration of the advent of Commodore Perry forty eight years ago, which ceremonies were to take place on the 14th instant; Rear- Admiral Rodgers arrived at Yokohama with his ships on the 7th instant He with his officers have been most cordially received by the officials of the Japanese Government and by the people,as also, by Their Majesties, the Emperor and the Empress, to whom I have had the honor to present them. The Governor of Kanagawa-Ken and the Mayor of Yokohama have extended courtesies of entertainments at banquets, as have, also, the Governor and the Mayor of Tokio; the Minister of Marine and several Admirals of the Japanese Navy-and more of such entertainments are announced to be given;-to all of which the Admiral is responding in like manner and spirit.

On

On the morning of the 14th instant the three Unites States war vessels steamed to the harbor of Kurihama where were already five Japanese war vessels.

I enclose herewith duplicate cuttings from the "Japan Times" (a Japanese publication) of the 16th and 17th instants giving a detailed account of the proceedings incident to the unveiling of the monument.

The imposing monument of granite is itself a testimony of gratitude for what Commodore Perry did and the extraordinary and spontaneous welcome accorded Rear- Admiral Rodgers and his officers and ships will doubtless be appreciated by the people of the United States as significant proof of the deep feeling of friendship of the Japanese Government and people for the United States and our people.

I have the honor to be,

Sir;

Your obedient servant,

W. O. Buck

Enclosure:

Cutting from the "Japan Times" of 16th&17th instants, in duplicate.

Enclosure with Mr. Buck's of July 20, 1901.

The Japan Times.

TOKYO, TUESDAY, JULY 16TH, 1901.

## THE UNVEILING OF THE PERRY MONUMENT.

Imagine a slightly sloping and open sand beach with a frontage of say 400 yards. Imagine intermittent showers coming down, now in torrents, now in drizzling mist with short intervals of what can only be called a suspicion of sunshine struggling out through the thinner portions of the overhanging clouds. Imagine, excepting a fairly wide pathway in the centre ending seaward in an improvised pontoon bridge, the whole frontage consisting of a continuous wall of humanity standing thirty or forty deep and consisting of all ages and both sexes with the younger ones bathing their feet in the soft rippling sea—this human wall being made picturesque by *karakasa*, and umbrellas of all shapes and shades overhead and by a full display of the rustic taste for striking and fantastic contrasts in the way of colours in the dresses. Imagine once again thousands upon thousands of wondering eyes all looking anxiously seaward where, a mile or so off, lie three white men-of-war majestically riding at anchor together with our *Shikishima*, *Hatsuse*, and *Asagi* at short distances from each other, while nearer shore, torpedo boats and catchers, racing yachts and innumerable other small craft dot the surface, looking smart with flags in full rig. Imagine all this and you have a rough picture of how Kurihama looked for a good part of the morning of the 14th at the particular part where the Perry celebration took place. About 11 o'clock the good ship *Hakuai Maru* with some three hundred ladies and gentlemen, Japanese and foreign, from Tokyo and Yokohama and which had started from the Yokohama pier, hove in sight of the beach. The anchor having been dropped soon after, landing by steam launches and steamer-towed junks, began. It was raining then and the proceedings were to say the least tedious, even unpleasant. But good humour prevailed everywhere and nothing failed to provoke merriment which was indeed the supreme feature of the two hours voyage and which was now prolonged for another hour during which time the landing was completed. From launches on to the pontoon, then between the staring and wondering crowds, the landing parties came to a big gate of evergreens which was in the shape of a double cross—one by the side of the other. Inside the gate they were most courteously received by Baron Kaneko, president of the Beiyu Kyokai and other members of the association, who politely ushered them into the curtain-fenced enclosure. The enclosure must have measured at least 100 by 100 yards or so and in the centre and somewhat to the rear rose the object of the day's celebration, still veiled in a piece of light white cloth. On the right of the monument were seen Rear-Admiral Rodgers and his fellow officers in full uniform and other American officials seated under a tent. Similary to the left were the Ministers of State, and high Naval and Army officers. Then leaving a good sized hollow square in the centre, rows of tents formed the two sides where the guests were variously distributed, the foreigners being all housed in the tents next to that of the American officers; while fronting the monument and with their backs to the entrance a naval band took up their post, behind which two companies of marines from our warships formed guards of honour in two rows.

A few minutes after 12 when the last man had taken his seat, Baron Kaneko appeared in a little improvised green bowered stage at the foot of the monument and announced the commencement of the ceremoney. Then walking up to Admiral Rodgers he led that officer to the monument from the top of which a white rope hung. In the midst of impressive silence the Admiral gave a pull at the rope and down came the white veil, and there stood in full view a huge slab of granite with inscriptions in bright gold, cut deep into it and telling in 17 Chinese characters,—chosen and penned by Marquis Ito,—what the stupendous rock pillar was for. The unveiling formed a signal for loud and enthusiastic applause which took some time to subside. Hardly had the hand-clapping ended when Baron Kaneko was again on the stage and began to read an address from a scroll of paper. But by this time the news of the unveiling had reached the

United States and Japanese warships out in the sea, and they now commenced to fire salutes. While boom! boom! went on the guns the Baron continued to read his speech and the scene did not fail to make a most thrilling impression on the vast assembly. We give below a liberal translation of the Baron's address.

PRESIDENT KANEKO'S ADDRESS.

Here it was at Kurihama in the District of Miura Kanagawa, that on the 14th of July, 1853, Commodore Perry of the United States of America, by order of his Government, first landed and opened negotiations with the special Commissioner of the Shogunate to conclude a Treaty of Amity and Commerce between Japan and the United States. It was at this spot that the modern civilization of our Empire had its beginning. Rear-Admiral Beardslee, who was a midshipman under Commodore Perry, came a second time to Japan last year and on that occasion he one day revisited this place led by the memories of the past. Subsequently at a meeting of the American Association of Japan he, giving his reminiscences of our country as it was 49 years ago, said that he had found the Empire strictly maintaining the policy of stern seclusion and forming by herself a world of her own. But, he continued, his second visit had revealed to him an entirely different country almost able to compete the Great Powers of the world in the onward march on the path of civilization. The progress made by Japan during the half century had been so rapid and vast that the Admiral could but think that his two visits had been separated by ages. The Admiral also remarked that Kurihama was the gate through which Western civilization was introduced into Japan and that it was his earnest wish that this important spot should have some lasting mark so that it might be remembered by posterity. The members of the Association then present were greatly impressed by the narration and at once passed a resolution to erect a monument marking the places of Commodore Perry's landing at Kurihama. But the Association from the very beginning never meant to erect a monument of great cost and grandeur, but on the contrary we decided upon as simple and modest a design as possible to mark for the future one of the most important places in the history of Japanese Empire. Therefore only a small area of ground has been allotted for the purpose. When however our intentions became public, the people of the United States at once showed a most keen interest and moreover the Government of that country ordered Rear-Admiral Rogers, Commander-in-Chief of the United States Fleet in the East to attend the Unveiling Ceremony with three men-of-war. Our most august Emperor having also heard of our undertaking was most graciously pleased to make us a grant in money towards the monument fund—a grant which the Association acknowledged as an unexampled honour.

But the construction of a monument of a national event is necessarily a national work and should not, we thought, be carried out by a private association but by the whole country. Particularly so, when it was so warmly taken up both at home and abroad. We therefore decided to enlarge the scope of our original design so as to comprise all ranks and classes of the Japanese people. But the time was too short to fully put in practice all the ideas entertained by the Association and besides when we made the change in our programme we found that the stone had already been cut and engraved and did not allow any alteration so we were compelled to adhere as we have done to our original plan.

To-day is the 49th anniversary of the first landing of Commodore Perry at this place: We have selected the day to unveil the monument. Four decades and some years ago when Commodore Perry set his foot on this shore, the Japanese Empire was enshrounded in the fogs of a seclusion of nearly 300 years and all intercourse with foreign countries was strictly forbidden. But since the Restoration of 1868, our Government has introduced the laws and customs of western nations and the nation has undergone a complete and wonderful change and to-day we behold the Japanese Empire, in a prominent position among the civilized Powers of the world the country having concluded treaties on equal footing with the Western Powers and having also adopted the constitutional form of government. All these marvelous changes have indeed flowed from the enlightened policy wisely adopted by our most revered Emperor, yet nobody

will deny the great obligation we owe to the Government of the United States, which of all the Western Powers, first induced us to open our country to foreign intercourse. Moreover the United States being the nearest of our Western neighbour, there is reason why our diplomatic and commercial relations with her should always be most amicable.

Rear-Admiral Rogers is the grandson of Commodore Perry. What a delightful coincidence that the grandfather sowed the seeds of the modern civilization at Kurihama and to-day the grandson unveils the Monument built to the memory of his grandfather. This Monument is erected to preserve on the stone our determination never to forget the friendship of the United States that sent Commodore Perry to induce us in a peaceful way to have intercourse with foreign Powers and also to show to the whole world that our amicable relations with the Great Powers so happily maintained and all our western civilization so securely implanted in our soil have had their beginnings at this humble little spot.

The presence of the distinguished Naval Officers from the country most friendly to us and of the Ministers of States and of all the ladies and gentlemen present here has given a great lustre to the occasion to-day. We only regret that the limits of space and time have prevented us from extending an invitations to all whose presence would have been a great honour to us. Considering that this place is lacking in facilities of communication both by land and sea, that so many should have favoured us with their presence must be deemed a very great honour to us. On behalf of the Monument Committee, I have the honour of giving this brief history of the facts and circumstance which led to the building of this monument and in conclusion I hereby beg to express my sincere thanks to all present.

At the conclucion of the Baron's speech the guards of honour presented arms while the band struck up the national anthem. Next followed the reading by Mr. J. M. Ferguson, Second Secretary of the U. S. Legation, the address prepared for the occasion by Col. A. E. Buck, U. S. Minister who owing to illness was unable to come.

COLONEL BUCK'S ADDRESS.

Had some wise man of prophetic vision, a half century ago, foretold that Commodore Perry's coming to Japan with his ships, landing at this place and having intercourse with the Japanese Government would be followed by so momentous consequences within fifty years as are now manifest, he would have been treated with derision. Nothing would have been more incredible. And yet, if the Commodore had never approached these shores some other similar incident might have followed with like result. The time was opportune and conditions were favourable for such a departure from the old and the beginning of a new era.

That a nation with its peculiar civilization of more than 2500 years, existing wholly within itself, with little if any contact with the outside world, should have changed its feudal system of government to a constitutional government, entirely by its own initiative and by the grace of a wise Emperor within 35 years, is a marvel to the civilized world.

Since the advent of Commodore Perry the Empire of Japan has, within herself and of her own volition, ceased to be a hermit nation; has made treaties of amity and commerce with the nations of the world; has opened the country to the people of all nations, welcoming them within her borders and throughout the land, granting to them like immunities and protection as given to native subjects. She has now become a world power, accepted in full fellowship into the family of nations on an equality with western countries.

In such a short period of time to have evolved an army so disciplined and efficient as to command the admiration of the world; to have built a navy of such strength as to force her recognition as one of the great sea powers, speaks volumes for the wonderful enterprise and ability of this the youngest in the family of recognized civilized nations

One can only understand this when he comes to know the people,—their mental activity, their energy, their endurance, their independent and progressive spirit, their ambition, their pride of country and their loyalty to their Emperor. Then one will understand how it is, not only that such an army has been created and disciplined and such a navy built, but also the causes that have brought into exis-

tence their constitutional form of government; their modern educational system, so enlarged as to provide for all the youth of the Empire; their modern financial system, their new judicial system, their complete postal and telegraph systems; their extended railway and lighthouse systems; their hospitals, so well equipped; their Red Cross Society, so well conducted; their extensive textile manufactories and other thousand and one new industries by which they are successfully competing with western nations in many articles of commerce; their large merchant ships traversing the seas, exchanging products with every country; and the many other evidences to be seen of changed conditions in so short a time so astonishing to the world.

For her progress in the direction of a new civilization the Empire of Japan has had no precedent. No conquering power has ever overrun this country or devasted its coast cities. No foreign power has attempted to conquer her, or has coerced or in any direction has shaped her course. She does not owe her marvelous progress and prosperity and her constitutional form of government to the control or direct influence of any other country. These grand results have been wrought out by the evolution of a wise people with inspiring impulses and great aspirations, possessed of that intelligent conviction and masterful courage that overcome the greatest difficulties and that insure to a people independence and power. Nowhere in the history of the world can be found a parallel. No one can foretell or set the limit to that degree of advancement the nation is yet destined to reach. The scroll of her future is not yet open to mortal vision. Of that one can only judge from what her aspirations and ambition have already accomplished.

As an American citizen I express my profound congratulations that these and other wonderful and beneficent consequences have followed Commodore Perry's visit, and I am proud of the fact that from that time the most friendly relations have existed between the United States and Japan, and that the ties binding the two countries have been growing stronger the passing years.

Mr. President and Gentlemen: This shaft of granite that marks the spot where Perry landed, erected by your people in the honour of his memory, is the strongest evidence, not only of the recognition of the benefits following his coming, but of the friendship existing between your people and mine.

I thank you and your people for his great tribute to the memory of that heroic naval Commander, an American citizen a tribute unprecedented, and unaccountable to those not familiar with the character of your people and the spirit which animates them.

Under the beneficent rule of a wise Sovereign may your people ever continue in prosperity and happiness, and may everlasting peace and goodwill exist between the United States and the Empire of Japan.

Colonel Buck's address over, Prime Minister Viscount Katsura stepped on the stage and read an address which was in substance as follows:

THE PREMIER'S ADDRESS.

On this auspicious occasion on which the Seiyu Kyokai carry out the ceremony of unveiling the Perry monument, one naturally turns his thoughts to the coming of Commodore Perry of the United States Navy four decades and some years ago. Since those days the civilization originally possessed by this country has greatly advanced under the benign influence of Western civilization; and it gives me boundless joy to participate in this grand celebration at this moment when the light of our progress is sending forth its rays with increased brightness. Furthermore we have to-day with us the United States Fleet despatched hither for the special purpose of taking part in the celebration. This act of friendship always characteristic of the American nation will be most highly appreciated and will never be forgotten by our people high and low.

Considering it a matter of honour to be present on this felicitous occasion I have great pleasure in saying these few words of congratulation.

After the Premier, Rear Admiral Rodgers was led to the stage and made the following speech, a report of which we borrow from the *Japan Mail*:

ADMIRAL ROGERS' SPEECH.

As I stand here to-day honoured by this occasion, and representing together with the officers and men under my command, the Navy of the United States, and appreciating as I do the courtesy and hospitality extended to us by the Imperial Government of Japan; realizing also the sentiments of good-will and friendship which inspired, under the leadership of Baron Kaneko and his Committee, the generous originators of this event, I feel for many reasons that it is for me an especially happy occasion. Looking back for nearly half a century I remember the departure from home of my grandfather, Commodore Perry, upon his diplomatic mission to Japan. I remember his return, bringing with him the first specimens of Japanese handiwork and art that ever reached the United

States and many of these are still treasured in my family. Naturally the Perry family has always cherished sentiments of affection for Japan and the Japanese, and I have been impressed with them from childhood. I also remember the honour tendered to Commodore Perry by his fellow citizens upon his return to the United States, including handsome presents, among others a magnificent service of silver plate in recognition of his successful execution of a delicate diplomatic mission. I belive it to be an interesting fact that Japan in 1854 received the first fully accredited Ambassador from the United States. Commodore Perry had the honour to be the first diplomatic representative of our country empowered with the functions of an Ambassador. The Navy of the United States has always cherished a warm and cordial feeling for Japan and its people. My inclinations have led me to know Japan perhaps as well as any one could who never visited her shores, and no one could be more impressed than I am with the characteristcs which have brought Japan with rapid strides to be the peer of the leading military and naval powers of the world. The presence of my friend Rear-Admiral Beardslee is a happy incident of this occasion. We all know of his connection with it and of the interesting fact that he is one of those who landed here nearly half a century ago. May he long be a survivor of that expedition. That the cordial feeling which exists and has always existed between the United States and Japan may continue undisturbed is my earnest hope and I believe that from no country will Japan receive more hearty good wishes than from that in which Matthew Galbraith Perry was born.

*(To be Continued.)*

The Japan Times.

TOKYO, WEDNESDAY, JULY 17TH, 1901.

## THE UNVEILING OF THE PERRY MONUMENT.

*(Concluded from yesterday.)*

Two more speeches—one by Mr. Sufu, Governor of Kanagawa-ken, read from a manuscript and the other by Rear-Admiral Beardslee, both of which we reproduce elsewhere—were delivered. When Admiral Beardslee left the stage it was just about one o'clock and the ceremonial part of the function was then brought to its conclusion. Now the scene changes from the front to the back of the monument, where a few steps from the stone pedestal stood one of those mammoth tents large enough to shelter a battalion. In this was laid a splendid collation with fountains of sparkling and bubbling beverages and thither was now shown the company which was very large, for the three hundred who went on the *Hakusi Maru* were probably doubled by the contingents from the warships and yachts, local delegates and so on yet the arrangements were quite successful, admirably so if one considers the adverse circumstances.

Besides the good things under the weight of which the long row of tables groaned and which were particularly welcome to most of the company who had had a very early breakfast that morning, were to be seen at one end of the marquee two ancient looking *kyoku-roku*—a particular kind of arm chairs used by Buddhist priests on ceremonial occasions. For nine years ago chairs were not known in this country except those just referred to and it appears that the authorities of the day had to have recourse to the nearest temple on the occasion of Perry's landing The black lacquer chair on show was stated to have been used by Commodore Perry 48 years ago, and another of red lacquer used by Toda Izu-no-kami who represented the Shogunate government on the occasion of the memorable meeting. There was also a screen bearing old prints showing the Japanese idea of the American naval officer in, and shortly prior to, Perry's day.

By two o'clock the company began gradually to return on board the *Hakusi Maru* where so far as her guests were concerned their discomfort—for it was raining rather hard—ceased the moment they set foot again on her deck, for no effort was spared by those in charge to make the return trip agreeable, refreshments of all kinds having been provided most bountecously. While the thanks of all are due to the Reception Committee, recognition should also be made of the generosity of the Nippon Yusen Kaisha in placing the ship free at the disposal of the Beiyu Kai. The officers—Capt. Tsuji, Chief Officer Tominaga, Chief Engineer Kawaji, and Purser S. Sugihara—gave every possible attention.

A list of the more important personages present excluding the foreign ladies who were in considerable numbers, may be given as follows: Viscount Katsura, Premier, Viscount Tanaka, Minister of the Imperial Household Department; Viscount Enomoto, Privy Councillor; Baron Kawaguchi, Vice-Minister of the Imperial Household; Baron Kaneko Kentaro, President of the Beiyu-kai; Mr. K. Sufu, Governor of Kanagawa Prefecture; Mr. T. Megata, Director of the Revenue Bureau in the Finance Department; Mr. Shogo Nagasaki, Chief Secretary of the Imperial Household Department; Mr. Miyaoka and Mr. Kato, Ministers Resident; Mr. Kondo Rempei, President of the Nippon Yusen Kaisha; Messrs. Ogawa and Iwanaga, Directors of the Nippon Yusen Kaisha; Mr. Okura Kihachiro, Mr. Yoshida, Private Secretary of the Minister for Foreign Affairs; Mr. Umeda, Mayor of Yokohama; Mr. Watanabe, President of Yokohoma Saibansho; Mr. Minakami, Superintendent of the Yokohama Customs, Capt. Kaburagi, I.J.N., Dr. Takagi, Surgeon-General I.J.N., Mr. J. McLean, U.S. Vice and Deputy Consul General, Mr. Kurino, Japanese Minister in Paris These, with the exception of the Premier, went by the *Hakusi Maru*, but by the *Shikishima* and other means there also went: Admiral Yamamoto, Minister for the Navy; Mr. Soné, Minister of Foreign Affairs; Baron Kodama, Minister for War; Mr. Hirata, Minister for Agriculture and Commerce; Field-Marshal Count Oyama, Lieut.-General Terauchi, Vice-Admiral Tsunoda, Mr. Uchida, Vice-Minister for Foreign Affairs; Rear-Admiral Uyomura, Capt. Ijichi, Chief of Staff of the Squadron, and many others.

The members of the Reception Committee were: Messrs. Y. Murota, Chairman (Minister Resident), B. W. Arigs, treasurer, E. Yamaguchi, assistant treasurer, S. M. Yamamura, and Otani Kahei. These were on board the *Hakusi* at Yokohama and took part in the reception of the guests at Kurihama along with the following: Messrs. T. Sagawara, Y. Yamaguchi, S. Tamuya, Sawaki, C. Suzuki, O. Koinori, S. Sakurai, H. Sawada.

DIPLOMATIC
UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.

No. ~.

July 22, 1901.

AUG 9 1901
DEPT OF STATE

approved Aug 20

Mr. Buck

to the Secretary of State.

Subject:- Mr. Buck goes to Lake Chuzenji for summer.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. ~. July 22, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to report that tomorrow morning the 23rd instant, I shall take my family to Lake Chuzenji for a few weeks, where I have before temporarily resided for a short time during the hot season. I shall return to Tokio at short intervals as official duties may require, remaining here for such time as may seem necessary.

A Secretary will be in constant attendance at the Legation during my absence.

I have the honor to be,

Sir,

Your obedient servant,

E. Buck

DIPLOMATIC,
UNITED STATES LEGATION,
SEP TOKIO, JAPAN.
BUREAU

No. 573.

August 1, 1901.

REC'D. AUG 31 1901 DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

China and Japan Trading Co's. protest against filling in on waterfront, Nagasaki,—the principle involved.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 573. August 1, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No.349 of May 27th last, calling for a fuller report upon the subject of the China and Japan Trading Co's. protest against the making of land and the erection of a building by the Japanese authorities in front of Frontage Lot No.4 Oura, Nagasaki.

Upon the receipt of the above instruction I directed our consul at Nagasaki to make a full report of the facts and of the Company's position, together with a map or diagram showing the causes of complaint. A copy of my instruction is enclosed.

Mr. Harris now replies that when he desired the Company to furnish him with the information they instead requested in writing that for the present no further proceeding be taken in the matter. A copy of Mr. Harris's last communication, including the Company's letter just mentioned, is herewith.

Thus, regarding this case, no fuller information than before seems to be forthcoming.

The present case, whether or not it is one of any real importance, may be of some interest as involving the general question of whether "Frantage Lots" in the former Settlements have, in virtue of that designation, permanent rights to any special privileges.

Since Frontage Lots convey no rights to landing privileges, such advantages as they may by right have would seem to resolve themselves into general considerations of view and of the agreeableness

ableness of facing the sea.

At Yokohama, Kobe, and Nagasaki hills rise at no great distance back of the waterfront, thus limiting the space best adapted to the business purposes of the ports. With the growth of those cities and the expansion of their business it is not unlikely that in the course of some years it may be desired, at any of those places, to enlarge the business neighborhood by reclaiming land in front of the present waterfront. There is therefore a possibility of this question's coming up in the future on a large scale.

I know of no special bases for a decision upon the principle involved in these questions other than interpretations, in the light of the new treaties, of the forms of the various sets of leases and of the regulations under which they were made, all of which materials are, of course, in the Department's possession.

Up to the present the only other instance of this question's having actually arisen in one of the Settlements is, so far as I have been able to learn, that mentioned in the dispatch of April 27th,—the case of a British firm in Yokohama.

The same British firm, who hold the lot next to the premises of the China and Japan Trading Co. at Nagasaki, protested in the recent instance; but they were not, I understand, strongly sustained by their Government.

Some years ago the Japanese Government permitted a boating club at Yokohama to build a boat-house in front of the Bund, or waterfront roadway. The objections of those holding the frontage lots affected were, however, amicably met by the boating club's putting a low roof on their building, so as not to interfere greatly with the view.

The original protest of the China and Japan Trading Co. was at the time formally presented by Mr. Harris to the authorities concerned.

I have the honor to be,
Sir,
Your obedient servant,

J. S. Buck

Enclosures:
1. Mr. Buck to Mr. Harris, June 29.
2. Mr. Harris to Mr. Buck, July 27,
with sub-enclosure,—The China and Japan Tradin Co. to Mr. Harris, July 26.

Mr. Harris
... China and Ja... Tradin Co.

Inclosure No.1 with Mr. Buck's No.573, of August 1, 1901.

(Copy)

No.521. United States Legation,

Tokio, Japan, June 29, 1901.

C. B. Harris, Esquire,

U. S. Consul,

Nagasaki.

Sir:

In April last some correspondence passed between you and this legation as to the China and Japan Trading Co's. protest against the making of land and the erection of a building for customs purposes, under the Department of Finance, in front of that Company's Frontage Lot No.4 Oura.

Inquiry at the Yokohama Office of the Company having failed to obtain any information on the subject, the case, with some considerations in point, was briefly reported to the Department of State.

The Department now inform me that the facts stated in the dispatch sent to them from here are insufficient to enable them to form a decision in the matter; and that a decision, therefore, is reserved until a fuller report shall have been received

Accordingly, I have to request that you make to me a full report of the case, with a map or diagram, and full information as to the status of the matter and the position taken by the Company. I should be glad if you would make the report in duplicate, if convenient, since a copy must be forwarded to the Department.

I am, Sir,

Your obedient servant,

(Signed) A. E. Buck,

U. S. Minister.

Enclosure No.2 with Mr. Buck's No.573 of August / , 1901.

(Copy)

No.2501. Consulate of the United States of America,
Nagasaki, Japan, July 27th, 1901.

His Excellency Alfred E. Buck,
etc., etc., etc.,
Tokio.

Sir:

I have to acknowledge receipt of instruction No.521 of the 29th ultimo, relative to a protest registered at the Kencho in Nagasaki by the China and Japan Trading Company, Limited, of this port, against the making of land and the erection of a building for customs purposes in front of their property known as lot No. 4 Oura, Nagasaki, and directing that a map or diagram with full information as to the position taken by said Company be sent you to be forwarded to the Department of State.

In reply I have to state that on the 4th instant I verbally requested the said Company to furnish me such map and information. I have now to report that in answer to my request they write me under yesterday's date requesting that for the present no further proceeding be taken in the matter. A copy of such letter to me I enclose herewith.

I am, Sir,
Your obedient servant,
(Signed) Charles B. Harris,
Consul.

Enclosure:
Copy of letter, as stated.

Sub-enclosure No.— with Mr. Buck's No. 575, of August /, 1901.

(Copy)

China and Japan Trading Company, Limited,

Nagasaki, July 26th, 1901.

Consul C. B. Harris,

United States Consulate,

Nagasaki.

Dear Sir,

Referring to our conversation with you on the 4th instant, relative to our protest registered at the Kencho against the making of land and the erection of a building in front of our property, No.4 Oura Nagasaki, and to your request for a map or diagram showing the Bund and the location of said building together with a full statement of our position in the matter, we now have to request that for the present no further proceedings be taken in the matter.

We are,

Dear Sir,

Yours respectfully,

China and Japan Trading Company, Limited

(Signed) Sam M. Officer, Manager.

DEPT OF STATE
SEP
10
1901
2ND ASST SECRETARY

DIPLOMATIC BUREAU.
To Secretary of Treasury, commending to attentive consideration -

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 574.

August 12, 1901.

Acker and
Leo Josey, Sept. 16 C.

Thos Sept. 27 C.

DIPLOMATIC,
SEP 10 1901
BUREAU.

Mr. Buck

to the Secretary of State.

Subject:

Clerks of Yokohama Specie Bank, being transferred to branch offices in American territory, stopped by Immigration Authorities.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 574. August 12, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

One of the officials of the Foreign Office called here the other day and spoke at considerable length, quite informally, about the troubles which men in the employ of the Yokohama Specie Bank, Limited, had had with the immigration authorities at San Francisco and at Honolulu in endeavoring to land at those ports to take up their duties at that bank's branch offices,—they having in both instances been considered, at first, as coming under the provisions of our laws debarring contract labor.

The official, Mr. Miyaoka, Chief of the Bureau des Contentieux, stated that the first case, at San Francisco, had been arranged, after the man had been put to great inconvenience during many days; and that the second case, that at Honolulu, where the man was not permitted to land and had to go on to San Francisco, was being laid before the Department by the Japanese Legation at Washington.

I gathered that the Foreign Office emphasized the point that such men are not employed and sent especially for service in America, but are in the general employ of the bank, a corporation whose practice it is, in the ordinary course of business, to transfer from time to time regularly employed members of their clerical or secretarial staff from one of their offices or agencies to another.

Mr. Miyaoka said, in effect, that they were not aware that Section 1 of the Act of February 26, 1885, was interpreted in such a way as to include among those debarred as contract laborers men of a status (that of employes regularly retained, irrespective of where they might be sent) such as the status of the employes

employes of the Yokohama Specie Bank in question. He implied that such an interpretation, if carried out, would equally embarrass all foreign firms, of whatever nationality, doing business in the United States.

Mr. Miyaoka likewise touched upon the idea of these men's being professional and hence, (under Section 5 of the Act of March 3, 1891), not liable to exclusion; and also, upon their eligibility to be considered as secretaries or servants, and so exempt (under Section 5 of the Act of February 26, 1885).

The immediate purpose of Mr. Miyaoka's visit was to request a letter of introduction to the Commissioner of Immigration at San Francisco for a Mr. Keitaro Morimoto of the Yokohama Specie Bank, who is to be transferred from their head office in Yokohama to their branch office in New York. I wrote a few lines as desired, in the hope of minimizing the inconvenience to which Mr. Morimoto might be exposed.

The cause of these troubles seems to have been that the bank's employes, expecting no difficulty, have by careless answers to the immigration authorities put their own positions in an unfavorable light; and also, it may be, that those who examined them, perhaps unaccustomed to be called upon to consider fine distinctions of the Contract Labor Law, have been hasty in their adverse decisions,—through inadvertence or because of a habitual point of view towards Asiatic people.

National pride enters largely into Japanese character and makes the Japanese people sensitive and resentful of anything like a general discrimination against them as Asiatics,—most especially if it is against their countrymen of a good class.

There appears no doubt that the Japanese Government appreciate the propriety, for political, social, or economical considerations, of reasonable restrictions upon immigration; yet I think they attribute the above incidents, like last year's difficulties about the sanitary regulations, to a prejudicial effect of racial feeling upon their enjoyment of rights which they have by treaty.

For

For these reasons the treatment Japanese received last year under sanitary regulations at San Francisco and in Colorado, and the experiences of these employes of the Yokohama Specie Bank this year are occurrences of a kind likely to cause feelings of irritation, pique, and resentment on the part of the Government and people; and are therefore against American interests.

As it seems unfortunate that from any unprofitable or unnecessary causes these unpleasant incidents should occur, and thinking that perhaps something could be done to prevent them in the future, I have ventured to go into this subject, and to point out that it is one which does not fail to make an impression here.

I have the honor to be,

Sir,

Your obedient servant,

W. S. Buck

DEPT OF STATE
SEP
10
1901
2nd ASST SECRETARY

DIPLOMATIC BUREAU.
To Secy of Navy -
Ack

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 575.

August 16, 1901.

Ackd and
To Navy Dept.
Sept. 12

Sent Navy Dept. 17

See Supt. 15 from Japan

DIPLOMATIC,
SEP 10 1901
BUREAU.

Mr. Buck

to the Secretary of State.

Subject:

Question of coal's exemption if temporarily stored or if transhipped,—for naval use.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 575. August 16, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to enclose herewith, for the information of the Department, copies of a correspondence, indicated in detail below, which I have had with the Foreign Office on the question of whether coal and other naval supplies are not exempt from inport duties if temporarily stored or if transhipped in port.

While exemption is accorded in the latter case, it seems impossible to obtain it in the case of coal or other supplies to be landed and stored.

I have the honor to be,
Sir,
Your obedient servant,

W. G. Buck

Enclosures:

1. Mr. Buck to Mr. Sone, June 24, 1901.
2. Mr. Sone to Mr. Buck, July 23, 1901.
3. Mr. Buck to Mr. Sone (memorandum), July 22, 1901.
4. Mr. Sone to Mr. Buck (memorandum), July 30, 1901.
5. Mr. Buck to Mr. Sone, July 22, 1901, No. 291.
6. Mr. Sone to Mr. Buck, August 14, 1901.

Enclosure No. 1/5 with Mr. Buck's No. 575, of August 16, 1901.

(copy)

No.281. United States Legation,

Tokio, June 24, 1901.

His Excellency

Mr. Sone Arasuke,

etc., etc., etc.

Sir:

Referring to my note addressed to Your Excellency's predecessor of date September 11, last, respecting the desire of my Government that permission be granted by the Imperial Japanese Government to store coal, free of duty, on certain lots at Yokohama leased to the United States Navy Department, the coal to be solely for the use of U. S. Naval vessels; and referring to His Excellency's note of date September 14th, last, which states that exemption of import duty upon coal for the use of foreign naval vessels was not consistent with the existing law relating to customs duties, I have the honor to invite consideration of certain reasons in point in connection with the subject which have such bearing upon the case that I venture to present them to Your Excellency at this time.

The coal to be stored will be transported from the United States by the U. S. Naval Department solely for the use of U. S. Naval vessels, to be temporarily stored in the warehouse of the U. S. Navy Department on its lots leased from the Imperial Government for purposes of the U. S. Navy, and to be taken from such warehouse and put on board U. S. Naval vessels for cruises as occasion may require.

My attention has recently been called to Art. I, paragraph 2 of Chapter One of the Imperial Customs Law (No.61 of March, 1897) which declares that;

"No customs charge is imposed upon goods in transit; but "money or other securities to the amount of the duty under the "tariff shall be deposited at the time of the importation."

This Article seems to cover all kinds of goods with no exception of coal; and if coal in transit can be

ception of coal; and if coal in transit can be landed and stored, to be reshipped free of duty, it would seem that on the same principle coal of the United States Government temporarily stored in the U. S. Naval Warehouse at Yokohama, solely for use of U. S. Naval vessels, which take it therefrom for consumption on their voyages, should receive the same treatment. In short, may it not be claimed that such coal should be considered as in transit?

Submitting the above statement for the consideration of Your Excellency's Government, I avail etc.

(Signed) A. E. Buck.

Enclosure No.2 with Mr. Buck's No.375 of August 16, 1901.

(Copy)

Translation No.22. Department of Foreign Affairs,

Tokio, July 23, 1901.

His Excellency

A. E. Buck,

etc., etc., etc.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's note dated the 24th June last, in which you refer to your note of the 11th September last and Viscount Aoki's reply thereto of the 14th of the same month respecting the desire of the United States Government that coal imported to Yokohama for the sole use of the United States naval vessels be exempted from import duties. In the note under acknowledgment you invite further consideration of the Imperial Government having in view the provisions of Article I, paragraph 2 of the Customs Law, No. 61 of the 32nd year of Meiji (1899), which provides that no Customs duty shall be imposed upon goods in transit. It is submitted whether coal temporarily landed at Yokohama for the sole use of the United States naval vessels may not be considered as "goods in transit" and thus be exempt from Customs duty in conformity with the above prevision of the law.

The question having been at once referred to the Minister for Finance, I am now in receipt of a reply, to the effect that by the words "goods in transit" in Article I, paragraph 2 of the Customs Law, are meant such goods as pass through the Empire by the Customs routes determined by Imperial Ordinance as provided for in Article XXXV of the same Law, and that the Imperial Ordinance now in operation bearing on the subject is Ordinance No. 383 of the 12th day of September of the 32nd year of Meiji(1899) Hence no goods are entitled to exemption from Customs duty in accordance with Article I, paragraph 2 of the Customs Law, except such

such goods as are imported at one of the ports mentioned in that Imperial Ordinance, and being transported to another port by such route as is therein indicated, are exported to a foreign country.

I avail etc.

(Signed) Sone Arasuke,
Minister for Foreign Affairs.

Enclosure No. 3 with Mr. Buck's No 575, of August 16, 1901.

(Copy)

Memorandum.

United States Legation,
July 22, 1901.

The Minister of the United States referring to his notes to His Excellency His Imperial Japanese Majesty's Minister for Foreign Affairs of dates of the 24th ultimo and of the 22nd instant, has the honor to cite a provision of law as appears in the United States Revised Statutes, Page 575, Section 2982, which provision reads as follows:—"The privilege of purchasing sup-"plies from the public warehouses duty free, shall be extended, "under such regulations as the Secretary of the Treasury shall "prescribe, to the vessels of war of any nation in the ports of "the United States which may reciprocate such privilege toward "the vessels of war of the United States in its ports." This provision of law is still in force.

In the Treaty between the United States and Japan of July 28th, 1858, it is provided that:—"Supplies for the use of the United States Navy may be landed at Kanagawa, Hakodate and Naga-"saki, and stored in Warehouses, in the custody of an officer "of the American Government, without the payment of any duty."

While the Treaty of 1894 between the United States and Japan does not contain such a provision, which is made reciprocal in principle by the law of the United States above cited; May it not now be confidently anticipated that it would be to the mutual advantage of the two countries to concede the right to transfer, or temporarily store, supplies for the use of the Naval vessels of one country in the ports of the other free of duty? This right would evidently be established should Japan enter into the reciprocal agreement offered by the above quoted Statute Law of the United States.

To His Excellency Mr. Sone Arasuke,

etc., etc., etc.

Enclosure No. 4 with Mr. Buck's No. 575 of August 16, 1901.

(Copy)

Memorandum.

In a memorandum which His Excellency A. E. Buck, Envoy Extraordinary and Minister Plenipotentiary of the United States was good enough to address to His Imperial Japanese Majesty's Minister for Foreign Affairs on the 22nd instant, he refers to a statute of the United States which extends to foreign vessels of war, under certain circumstances, the privilege of purchasing supplies in the ports of the United States free of duty, and also to certain stipulation which was contained in the Treaty of 1858 between Japan and the United States. In that memorandum Colonel Buck suggests the advisability of concluding an agreement between Japan and the United States, which will enable the war-vessels of one of the two countries to transfer, or temporarily land and store, supplies for their use, in the ports of the other free of duty.

The Minister for Foreign Affairs has the honor to state in reply that the Customs Laws of the Empire do not permit exemption from duty being extended to the supplies for the use of foreign war-vessels. It is therefore regretted that the Imperial Government are not prepared for the present at least to meet the proposal for concluding a special agreement between Japan and the United States which would, irrespective of the Customs Laws of the Empire, reciprocally secure the exemption of duty for supplies for the use of the war-vessels of the two countries.

Department of Foreign Affairs,

Tokio, July 30, 1901.

To His Excellency A. E. Buck,

etc., etc., etc.

Enclosure No. 5 with Mr. Buck's No. 575 of August 16, 1901.

(Copy)

No. 291.

United States Legation,

Tokio, July 22, 1901.

To His Excellency

Mr. Sone Arasuke,

etc., etc., etc.

Monsieur le Ministre,

Rear Admiral Frederick Rodgers, commanding the United State Naval Force on the Asiatic Station, has communicated to me his desire to have the U. S. S. New Orleans undergo repairs, within the next few days, at the Uraga Dockyard, also, during the stay of that ship there, to send the U. S. Naval Collier "Nan "Shan" to the same dockyard for repairs and, also, at the same time to tranship coal from the collier to the "New Orleans".

I have, therefore, the honor to request that Your Excellency be so good as to cause permits to be issued for these two vessels to visit Uraga for the purpose of repairs; and that, if permissible, it be granted to tranship the coal in the port of Uraga, from the "Nan Shan" to the "New Orleans" free of duty

I avail etc.

(Signed) A. E. Buck.

Enclosure No. 6 with Mr. Buck's No 575 of August 16, 1901.

(Copy)

Translation No.29. Department of Foreign Affairs,

Tokio, August 14, 1901.

His Excellency

A. E. Buck,

etc., etc., etc.

Monsieur le Ministre,

In my note dated the 24th ultimo which was addressed to Your Excellency in reply to your note No.291 of the 22nd of the same month, I had the honor to state that the desires of the United States Government respecting the transhipment of coal free of duty from the U. S. Collier Nan Shan to the U. S. S. New Orleans during their stay at the Uraga Dockyard for the purpose of repairs, had been referred to the Department for Finance. I am now in receipt of a reply from the Minister for Finance stating that, in view of the fact that the "Nan Shan" is in the exclusive service of the United States Navy and has no merchandise on board, he is prepared to regard the transhipment in question of coal from that collier to the "New Orleans" as a case of direct transhipment of supplies from one vessel to another belonging to the same fleet and that accordingly the Customs Laws of the Empire shall not be applied in the present case.

I avail etc.

(Signed) Sone Arasuke,

Minister for Foreign Affair

DEP'T OF STATE
AUG
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1901
SECRETARY

DIPLOMATIC BUREAU
Copy to Treasury.
Confirm. aas

# TELEGRAM RECEIVED IN CIPHER.

From

TOKIO, August 18, 1901

Secretary of State,

Washington.

Confirmed Treasury Aug 24

Indignation expressed here by all classes in consequence of the outrage on Japenese lady passengers going to the United States on the "America Maru" committed by quarantine Inspector at Honolulu July 25th.

BUCK.

DIPLOMATIC,
AUG 23 1901
BUREAU.

Ciphered by Wm. H. Michael, Chief Clerk.

August 18, 1901. 189 , M.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 576. August 19, 1901.

INDEX BUREAU
REC'D.
SEP
10
1901
DEPT. OF STATE

DIPLOMATIC,
SEP 11 1901
BUREAU.

Sent am
to Hopkins
& Hopkins.
Sept. 14 C.

Mr. Buck

to the Secretary of State.

Subject:- Claim of the American Trading Co. against the Japanese Government.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 576. August 19, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of Instruction No.352, of date of the 12th ultimo, with a memorial by the Attorneys of the American Trading Company presenting a claim against the Japanese Government for $138,864.80 damages sustained by that Company through the excessive levy of duty on 8720 barrels of White Rye Whiskey imported by said Company in 1900 and through the denial of justice.

I have, today, in a note to His Excellency, the Minister for Foreign Affairs presented the claim of the Company, submitting a substantial copy of the memorial and of other papers as exhibits, as stated in my note a copy of which is herewith enclosed.

I have the honor to be,

Sir,

Your obedient servant,

E. E. Buck

Enclosure:- Mr. Buck to the Ministerof Foreign Affairs,
August 19th, 1901.

Enclosure with Mr. Buck's No 576, of August 19, 1901.

No.293. August 19, 1901.

To His Excellency

Mr. Sone Arasuke,

His Imperial Japanese Majest'y

Minister for Foreign Affairs.

Monsieur le Ministre,

In pursuance of instructions from my Government I have the honor to submit to Your Excellency the enclosed claim of the American Trading Company(markedA), preferred against the Imperial Japanese Government, for the sum of $138,864.80, the amount of loss and damage sustained by that Company in consequence of the ruling of the Imperial Customs officials at Yokohama, subsequently affirmed by His Excellency Count Matsugata, late Minister of Finance, whereby there was an erroneous classification as alcohol of 8720 barrels of whiskey, imported by the said Company from the United States in 1900, and the consequent improper charge of 250% duty under Item 69 of the Statutory Tariff, instead of 40% duty under Item 369.

Under the laws of the Empire the decision of His Excellency the Minister of Finance being final, and in consequence the Company being without remedy by an appeal to the Courts,- the recourse only then being through diplomatic representations,-- several months were consumed in efforts to secure a reconsideration and reversal of the decision without success, as will appear from the several notes upon that subject passed between Your Excellency's predecessors and myself, whereupon the American Trading Company have submitted their claim to the Department of State in Washington against the Imperial Government for damages, which claim is made a part of a memorial which has been transmitted to me with the instruction.

The memorial specifically sets forth the facts upon which the Company relies as reasons for a favorable consideration of their claim by Your Excellency's Government, closing with a summary of the specific grounds upon which their claim is based.

Though,

Though, for the most part, the facts of the case have been quite fully presented to Your Excellency's predecessors in my notes above referred to, I deem it proper to submit a substantial copy of the memorial, hereto attached (marked B), including also a copy of the correspondence, as it is claimed, between the foreign Yokohama Chamber of Commerce and the Imperial Finance Department (referred to in Paragraph First on Page 7 of the memorial and marked C); also copies of the contracts of sale of 9050 barrels of whiskey which include the 8720 barrels in question (marked D) and copies of "Declarations of Importation" of the 401 barrels passed by the Customs officials as whiskey at 40% duty(marked E). It will be observed that in foot-notes to the memorial reference is made to sundry exhibits which accompanied my note of October 26th last.

In presenting this claim of the American Trading Company for the consideration of the Imperial Government, I am instructed by my Government to say that, if the facts are as represented in the memorial, there would appear to have been a manifest denial of justice entitling the claimants to the indemnity as prayed for.

I avail myself etc.,

Enclosures:

A. The American Trading Company's claim.

B. Memorial on the Subject.

C. Correspondence between the foreign Yokohama Chamber of Commerce and the Imperial Finance Department.

D. Copies of contracts of Sale.

E. Copies of "Declarations of Importation".

DIPLOMATIC,
SEP 12 1901
UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.

INDEX BUREAU
REC'D
SEP
10
1901
DEPT. OF STATE

No. 577.

August, 19, 1901.

DEP'T OF STATE
SEP
12
1901
ASS'T SECRET

DIPLOMATIC BUREAU.
Copy to Treasury for its file, referring to previous correspondence.
[See Treasury letter of Sept 9.]

Ans and to Treas. Sept. 20

Mr. Buck

to the Secretary of State.

Subject:- The alledged outrage upon Japanese ladies by the Quarantine official at Honolulu.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.577. August 19, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to confirm my telegram of yesterday the 18th instant as follows:

" Very great indignation expressed here by all classes in consequence of the alledged outrage on Japanese lady passengers going to the United States on the America Maru, committed by Quarantine Inspector at Honolulu, July 25th".

"Buck".

The report is of such an agravated character as to make a profound sensation. This is true in respect to all classes, including Government officials and foreigners of all nationalities.

I was informed on Saturday the 17th instant, by His Excellency, the Minister for Foreign Affairs, with whom I had a short and informal conversation upon the subject, that he had just then received an official report upon the matter from the Japanese Consul at Honolulu, which he had not yet considered and that he was not prepared then to discuss the matter, but that in a very few days I should be officially advised of the contents of the report to be accompanied by a note to me, or be embodied in a note.

As an illustration of the prevaling sentiment I inclose cuttings from the Daily Mail of the 16th and 17th instants, from the Japan Times of the 17th instant and a translation of an article appearing in the Yorozu Choho, a Japanese daily paper of

the

the 15th instant. The last named is a sensational newspaper of very large circulation among the common people. The Times is, also, a Japanese paper published in english and influential. these two papers are fair samples of the most radical and conservative Japanese newspapers, all of which have had more or less sensational articles discussing the Honolulu affair. Similar position as is taken by the Japan Mail is, also, taken by the other newspapers published by foreigners.

Unless prompt action is taken disavowing the conduct of the Quarantine officer in his peculiar method of examination of Japanese ladies,-Cabin passengers,, and discrimination between them and other ladies, and dismissing him from the servoce, disagreeable consequences will probobly result, provided, of course that the alledged outrage is confirmed by the report of the Japanese Consul at Honolulu, which will soon be known.

I have the honor to be,

Sir,

Your obedient servant,

Enclosures:

Clippings from the Japan Times,Daily Mail and Yorozu Choho as above.

...with Mr. Buck's No. 577 of August 19, 1901

The Japan Daily Mail.

YOKOHAMA, FRIDAY, AUGUST 16, 1901.

## A DISGRACEFUL AFFAIR.

A most disgraceful affair is reported from Hawaii by Tokyo journals. It appears that when the *America Maru* arrived at Honolulu on the 25th of July, a Chinese passenger in the steerage was found to be suffering from pest. The ship having been placed in quarantine and the patient removed, an examination of the passengers was made by the health officials. In the case of the white passengers, the physicians merely looked at the face and tongue, but their treatment of the Japanese passengers was very different. Among the latter there were three ladies, one married and two unmarried, in the saloon, and fourteen or fifteen in the steerage. The ladies in the saloon were taken by the doctors into separate rooms and there subjected to treatment which, unless the facts are greatly exaggerated, should lead to the criminal punishment of these so-called officials. We refrain from giving names or details. It is enough to say that such a method of examination can not for a moment be called professional. The women in the steerage appear to have been treated with equal brutality, but their sufferings have not aroused the same amount of indignation. We trust that the Japanese authorities will not be induced to condone this matter in any way. It is probable that the newspaper reports are exaggerated, but even after the utmost deductions have been made on that score, the fact remains that the Japanese lady passengers were examined in a manner quite different from that adopted towards the European and American passengers. It is against discriminations of this kind that the Japanese should persistently and uncompromisingly protest. Experience must have taught them that submission produces no good result. Submission does not enter into the foreigner's canons of conduct. If an European or an American lady were subjected to any such indignity in a Japanese port, the world would ring with her complaints and with the protests of her countrymen.

n with Mr. Buell's No. 577 of August 19, 1901.

The Japan Times.

TOKYO, SATURDAY, AUG. 17TH, 1901.

## THE QUARANTINE INCIDENT AT HONOLULU.

THE last mail from Hawaii has brought news of an incident which took place at Honolulu and which is of a character highly offensive to the *amour propre* of the Japanese nation. The incident in question occurred in connection with the medical examination of the passengers of the Toyo Kisen Kaisha's steamer *America Maru* which entered Honolulu with a suspicious case of plague on board on the 25th of July. The American medical officials are charged with having subjected the Japanese passengers, both first class and steerage, to a method of examination which was not only unfair—as it was not applied in the case of European and American passengers—but also in itself highly insulting and degrading. While the examining quarantine officials passed the Occidental passengers by merely looking at their faces, a far different procedure was pursued in the case of the Japanese. The process is thus described by the latter, as quoted by the *Hawaiian Gazette*:—

"Then came the turn of the cabin passengers. They were called into the saloon, where one of the ship's officers read off the names. After they were all read, Dr. Cofer called the Japanese cabin passengers to one side and began an examination of them. The men had to remove their coats while the doctors looked for swollen glands. Then came the turn of the ladies ..... They were taken to a room and he [Dr. Cofer] or his representative went through the inquiry just as he had done in the steerage. He is alleged to have ordered the ladies to strip. To all of this they submitted. They first asked why he should examine them when they were cabin passengers. Dr. Cofer or his representative is said to have replied that he was very sorry to have to go to extremes just on account of one steerage passenger. They took this statement literally, thinking that all the rest of the ladies would be examined. After they were examined the ladies found that they were to be the only ones subjected to this treatment. As to the other white ladies, first-class passengers, Dr Cofer is alleged to have passed them by."

Among the Japanese passengers thus brutally insulted were Mr. Okabe, a Consular *Attaché*, and his wife and Misses Nobeji and Imai, both daughters of respectable families, who were on their way to America to complete their education there. It will be only fair to hear the other side of the story, and for this purpose we reproduce *in extenso* the statements made to the *Hawaiian Gazette*'s representative by the chief examining official, Dr. Cofer himself:—

"It would seem that a mistake or a misunderstanding of some sort has occurred. If a mistake was made, and no doubt there was, it was unintentional. In examining passengers who come from the Orient, we look after the steerage passengers very closely, in order to see that nothing, such as plague, cholera or smallpox, comes into the city from that source. The steerage passengers are divided into squads or sections, and an officer is appointed to inspect each party. The cabin passengers are not subjected to the same sort of an examination, because it follows very naturally that people in their social position are not so liable to diseases of this character. On the morning the Maru arrived, after one of my men had finished his squad, he said to me, 'Doctor, shall I examine the first-class passengers?' 'Yes,' I said, and continued with my work, for there were over four hundred people on the *America Maru*, waiting to be examined, and any one who has had anything to do with such labour knows very well that four hundred people are a large number to go over, and do it quickly enough to allow mails to be distributed, freight to be unloaded and the transfer of such papers as are necessary by officers on the vessel and their agents here, all on schedule time. Here, I think, was one place where the error might have been made. The ship's surgeon may have understood the cabin to be steerage passengers, and informed my subordinate to that effect. Understand, I say he may have. I do not say that he did. He is a gentleman in every respect, who has been most willing and obliging, and I do not wish to be understood as going out of my way to place the blame on him in order to clear myself. My assistant may have thought the first-class passengers in the doctor's cabin to be steerage passengers, although I do not think he did. Another way to account for the matter is that Mr. Okabe and his wife disregarded the instructions given to cabin passengers to keep away from the steerage passengers, while the latter are undergoing their examination, encroached upon the deck space reserved for the latter, and as a result were treated just as the others were. There is a decided tendency on the part of first-class passengers,

and Chinese and Japanese especially, to run all over the ship while the vessel is laying to, subject to the orders of the quarantine squad. They seem to think that because they have first-class tickets they are at liberty to roam at their own sweet will all over the steamer from stem to stern. The quarantine officers have no little annoyance from people of this class, more than one would imagine an intelligent Chinese or Japanese would give. I am rather surprised that the Japanese Consul has not called upon me for an explanation, which I would willingly make, if requested to do so. I fully appreciate the position held by Mr. Okabe, and would not treat him or his wife with disrespect, intentionally. I knew nothing about the matter until that evening. Mr. Okabe and his wife did not make themselves known either to me or my men. Had they made any remonstrance, the matter would have been attended to at once. You must understand that there are always some who demur on being asked to undergo an examination. We listen to their reasons, and if they are worthy of consideration they are acceded to. Had Mr. Okabe informed me who he was, or what his duties here are to be, and the class of his transportation, I am sure he would have been saved all of the unpleasant experiences which he says are his."

It will have been observed from the above that no attempt is made by Dr. Cofer to deny the serious allegations made against him and his assistants. He confines himself to some clumsy and puerile attempts at explaining away what he calls "a mistake or a misunderstanding." He pleads that his assistants may have mistaken the Japanese first-class passengers for steerage travellers, but it is utterly impossible to imagine how such a mistake could possibly have been made by any sane person, when it is borne in mind that the cabin passengers, including the Japanese, were called to the saloon, where after all their names were read off by one of the ship's officers, the Japanese alone were directed by Dr. Cofer or his assistant to step aside. We are rather surprised to learn that Mr. Okabe and the other Japanese gentlemen did not at once protest against, and indignantly refuse to submit to, the unfair discrimination which no Japanese of spirit can for a moment tolerate. The Japanese ladies are said to have demurred against the degrading treatment, and only submitted to it when they were given to understand, although in a vague and equivocal way, that the same ordeal had to be passed by the other fair passengers. It might be wished that they had had spirit enough to refuse to submit to the degrading examination altogether. But the instinct of obedience to legal authority being particularly strong among our women, it was only natural that these poor ladies should have thought that there was nothing for it but to submit to a treatment which they believed was meant for all alike without exception. We can well imagine their bitter feelings of shame and resentment when they afterward discovered that they had been the only victims of inhuman villainy on the part of the American officials. The incident has naturally called forth widespread indignation among the Japanese of all classes. Our compatriots in Hawaii are taking active steps to sift evidence and bring the matter to the notice of the American authorities, having retained for the purpose the services of an experienced American lawyer. We have little doubt not only that the American Government will be ready to deal with the offending officials as they deserve to be dealt with, but that their conduct will be severely condemned by the better sort of public opinion in the great Republic.

– with Mr. Bucks No 577 of August 19, 1901

The Japan Daily Mail.

YOKOHAMA, SATURDAY, AUGUST 17, 1901.

## THE HAWAIIAN OUTRAGE.

Tokyo journals write in scathing terms about the alleged outrage committed by Hawaiian sanitary officers at the examination of Japanese ladies, pasengers by the *America Maru*. It appears, however, that one of the ladies, Mrs. Okabe, wife of the Japanese Assistant-Consul in Hawaii, though at first she shared the indignation of her fellow-passengers, subsequently changed her view, and maintained that the sanitary officials had not exceeded their duty. If that be a fact, it will greatly weaken the Japanese case. But the main question will remain, were the Japanese passengers subjected to an examination differing in process from that pursued with regard to the foreign passengers. It may be urged, not unreasonably, by the sanitary authorities that since Asiatics are more vulnerable to the plague virus than Europeans or Americans, a different form of examination is justifiable and even necessary. But such an examination as that said to have been conducted could not have been necessary under any circumstances. No physician would have ventured to adopt such procedure in the case of an American or European lady. What makes the matter worse is that the Hawaiian officials appear to have admitted that they confounded steerage with first-class passengers, and that had they recognised that ladies were in question, they would have treated them differently. That is an interesting admission in truth. Do the Hawaiian officers imagine that because a Japanese woman travels in the steerage, she has parted with her modesty and become a fitting subject for gross outrage? What is improper in the case of a first-class passenger is equally improper in the case of a steerage passenger. If any such explanation has been offered, the officials stand self-condemned. But it may turn out that the incident has been greatly exaggerated. No official report has yet been received, and its absence goes to indicate that cardinal importance was not attached to the affair by the Japanese Consul in Honolulu.

Enclosure with Mr. Buck's No. 577 of August 19, 1901

Yorozu Choho (August 15, 1901.)

We regret to have to inform our readers of an inexplicably sad thing:--that is, that our fellow- countrymen have undergone an unparalleled insult at the violent hands of American officials.

On the 25th of last month the America Maru entered Honolulu on her way to America, when, as there was a doubtful case of pest among the Chinese steerage passengers, Dr. Coffer American quarantine officer, with his subordinates commenced, after removing the patient to the quarantine office, a sanitary examination of all the passengers, beginning with the steerage passengers. When the turn of the first class passengers came, while the Whites were not examined excepting that their faces were looked at, the Japanese and other passengers underwent quite a different treatment; that is to say, their coats and trousers were loosened and their armpits and the crotches of their legs were examined. Among these we can name Mr. Okabe, Vice-Consul, Mr. Kamahara, Mr. Asada and a Chinese gentleman.

The difference of treatment between the Whites and the others is unjustifiable; but it is tolerable compared with the insult inflicted upon the Japanese ladies on the same vessel. The ladies were the wife and the servant of Mr. Okabe, Miss Nobechi, daughter of Dr. Nobechi, and Miss Imai who was going to the Chicago University. They were shown into a separate room where these brutes of officers inflicted upon them an unbearable insult under the pretense of medical examination. Misses Nobechi and Imai were so enraged that they cried bitterly, called for vengeance, and angrily asked that the Western people be likewise compelled to

take off their clothes.

These facts were conveyed to the Japanese residents at Honolulu, who in great excitement visited the Consulate at about 10 p.m. They reported the whole matter to Consul Saito and asked Vice-Consul Okabe why he had made no protest when he and his wife were subjected to such ignominous treatment.

On the 26th the facts were more minutely investigated; but as it was nearly time for the ship to sail from the port, there was not time enough for full communications, and as they heard that some fifteen Japanese girls among the steerage passengers had been treated in an even more horrible way,-- which fact would be more fully known when they were released from the quarantine office where they were detained at the time,--the residents had the ladies make affidavit of what they had experienced. These affidavits , as there was no time left for calling in a public notary, were certified by Consul Saito. The America Maru left the port at 10 a.m..

The aforesaid afidavits read as follows:--

"We stopped at Honolulu at noon on the 25th inst. on our way to America, on Board the America Maru, having embarked on the 16th of July 1901, for the purpose of going to the Rombard College, Illinois. At 2 p.m. a quarantine doctor came in and told us, the first class passengers, to come to the dining room. There the Europeans and Americans were allowed to go to the deck after simply answering to their names but the Japanese and the Chinese were detained. The Japanese ladies were ushered into another room (without being given any reason at all) and were suddenly told to undergo a sanitary examination. We asked what was the necessity of such an

examination, as we were all enjoying good health. The doctors replied that they were very sorry to have to trouble all the passengers on account of one patient. so we thought that perhaps all passengers were to have this examination, and made up our minds to undergo it.

"The mode of the sanitary examination was this:--They made us four ladies stand in a row; then we one by one were taken to a corner of the room, and were told to stand there turning the backs to the rest. We were told to loosen our clothes; so we opened them at the breast, through which the doctor examined the arm-pit. Then we were told to take off our lower garments. The doctor examined with both handsthe crotches of our legs.

Miss Masue Nobechi (16)
Momijiyama, Shiba Park, Tokyo.
Miss Tameko Imai (27)
4, Takadaicho Itchome, Koishikawa, Tokyo."

"We hereby certify that we were examined in the following manner at the quarantine examination on the America Maru, just out of the port of Honolulu on the 25th July 1901:--

"First our thighs; then the breast and the abdomen,--especially the nipples of the breast--; and at last the crotches of our legs (such a way that the private parts could be seen) were examined. Some women say that the private parts themselves were thoroughly examined,--quite beyond the scope of a health examination.

(Ladies) Iwa Ide
137, Hando, Kajiki, Kagoshima.
Mitsu Tsujikawa
11, Homminatocho, Kyobashi, Tokyo.
Yoshi Asakura
178, Azabucho, Namekata Gori, Ibaraki."

How can one control one's indignation upon reading this!

It is simply ridiculous that our Consul should have made no protest on such an occasion.

On the same day some hundred Japanese assembled at the Japanese Young Men's Club, Mr. Shioda being Chairman. Mr. Shiozawa reported the details of the matter, and the following resolutions were passed:--

"Resolutions.

"We, the Japanese residents, recognize the conduct of the United States Quarantine officers towards the passengers of the America Maru entering this port from Yokohama on the 26th July 1901 to be an unlawful insult, and hereby pass the following resolutions:--

1. We shall make a strong protest to the authorities, and investigate upon whom rests the responsibility for this conduct.

2. Awaiting the release from the quarantine office of the steerage passengers who came to Hawaii by the same vessel, we shall investigate the facts minutely, and shall try to redress our wrongs by instituting a law-suit.

3. A General Meeting of all residents shall be held to express the public indignation among the Japanese.

4. To carry out these things some commissioners shall be elected."

Then three more things were resolved:--

1. The Committee shall consist of ten men including the Chairman.

2. The expenses shall be borne by the surplus of the contributions to the Meeting held in honor of the birth of the Imperial grandson.

3. The date of the General Meeting shall be settled by the Committee.

DEPT OF STATE
SEP
21
1901
2ND ASST SECRETARY

DIPLOMATIC BUREAU.
Copy to Treasury, referring to previous correspondence.
Ask accordingly

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 578.

August 21, 1901.

RECEIVED
SEP
20
1901
DEPT. OF STATE

DIPLOMATIC,
SEP 21 1901
BUREAU.

Refer also
Jap. Corr.
Sept. 30

See 9/20 to Jap Corr

Mr. Buck

to the Secretary of State.

Subject:- Alledged quarantine discrimination at Honolulu.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No 578. August 21, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

Referring to my dispatch No. 577 of date of the 19th instant, respecting the alledged misconduct of the Sanitary Inspector at Honolulu on the 25th ultimo, in the examination of Japanese ladies, Cabin passengers, on the S. S. America Maru, wherein they were subjected to a very humiliating and different course of treatment than other lady cabin passengers, I have the honor to transmit herewith a copy of the report and enclosures of the Japanese Consul at Honolulu, concerning the incident (Marked A.), which report has been furnished me from the Japanese Foreign Office unaccompanied by any official communication.

I am informed by an official of the Foreign Office that the report in substance, if not in detail, has been telegraphed to the Japanese Minister in Washington with instructions of an urgent character.

There seems to be more importance attached, by the Japanese Government and people, to the fact of discrimination against their people, than to the humiliating treatment of their ladies in this case. As a calm expression of the Japanese view in this respect, I enclose a translation copy of an article taken from the Kokumin Shimbun, of date of the 18th instant (Marked B.). This is a conservative newspaper of large circulation and has always expressed very friendly sentiments in all its references to the United States and Americans. Its Chief-Editor is a member of the "Friends of America" Society, which inaugurated and carried out the work of erecting a monument in commemoration of the comming of Commodore Perry.

It

It is to be regretted, especially so at this time, that so soon after the cermonies connected with the unveiling of the Perry Monument, when the most friendly and cordial relations between the peoples of the two countries were so pronounced, that such an unhappy incident at Honolulu should occur to stir up such bitter feelings of resentment.

In consideration of previous discrimination against high class Japanese in SanFrancisco and Colorado of last year, of the annoyances to whom there have been marked instances, also of two cases recently, the subject of my dispatch No. 574 of the 12th instant, occuring at SanFrancisco and Honolulu, concerning clerks of the Specie Bank of Yokohama, and this case of insulting discrimination against Japanese ladies by the Sanitary Inspector at Honolulu, the Japanese Government and people have been aroused with indignation at the accumulation of instances of such discrimination which they consider are in violation of treaty stipulations.

It seems to be the fact that a very large proportion of our people on the Pacific Coast regard Japanese and Chinese as inferior peoples of the same status, to be treated alike, and there seems to be a growing sentiment there, as is doubtless well known to the Department, that the Japanese should be included in an exclusion act with the Chinese, of which sentiment there would seem to be no justification.

I have the honor to be,

Sir,

Your obedient servant,

Enclosures:

A. Report of Japanese Consul at Honolulu, as above.

B. Translation from the Kokumin Shimbun. Duplicate.

Enclosure A with Mr. Buck's No. 578 of August 21, 1901.

His Imperial Majesty's Acting Consul General at Honolulu has reported to the Minister for Foreign Affairs, under date of July 31st, 1901, the following of discrimination in the matter of sanitary inspection which was practised against the Japanese passengers and crew of the Toyo Kisen Kwaisha's S.S. "America Maru" upon her arrival at Honolulu from Yokohama on July 25th.

Among her cabin passengers, numbering 67 or 68 in all, there were three Japanese gentlemen and four Japanese ladies, including Mr. Okabe Saburo, H.I.M.'s Eleve-Consul to be attached to the Consulate-General at Honolulu, his wife, Mrs. Okabe, and her attendant. The remaining cabin passengers were all of European or American nationality with the exception of one Chinese.

The following statement, which was personally made by Mr. Okabe, shows that racial distinction was practised by the United States quarantine officers at Honolulu in the sanitary inspection of the passengers and crew of the "America Maru" and that the Japanese on board and more especially the Japanese ladies, were subjected to a physical examination of an unusual indelicate and humiliating character from which the American and European passengers and crew were wholly exempt.

Upon the arrival of vessel outside the harbour of Honolulu, she was boarded by the quarantine officers who at once proceeded to the examination of the second class and steerage passengers and crew. When this was completed the inspection of the cabin passengers was begun. They were assembled in the saloon and the inspection, so far as Americans and Europeans of both sexes were concerned, consisted of passing out of the saloon and in front of the quarantine officer, as

their names were called by the Purser of the Ship. After the passengers of English, American, French, Russian and other European nationalities had thus been inspected the Purser informed the quarantine officer, that the passengers remaining in the saloon were Japanese and Chinese. The Japanese lady passengers, four in number,(Mrs. Okabe, her maid, and two young ladies who were on their way to the United States to complete their education) were then conducted to another apartment. After the ladies had taken their departure, one of the inspecting officers requested Mr. Okabe to loosen his garments. The latter, who had not the least suspicion that he was to be made the victim of racial discrimination,naturally thought that he alone, of all the cabin passengers on board, showed symptoms which, in the opinion of the medical officer, made a careful physical examination of his sanitary condition necessary; he also thought that the ladies had been taken away in order that he might be examined in the saloon. He, therefore, willingly responded to the request and loosened his garments, whereupon the sanitary inspector felt of the glandular regions under the arms and between the legs. When, however, Mr. Kamahara, another cabin passenger, who stood next to him, was similarly examined, he realized that racial discrimination was being practised in the matter of such examination, but he refrained from making any protest at the time, thinking that it was more proper for him to report the facts to his official chief before taking any action.

When he joined his wife and the other ladies on the deck he found that they had also been subjected to the same indignity in the matter of physical examination. The four Japan-

ese female cabin passengers after leaving the saloon were taken to the Ship's doctor's cabin. The quarantine officer who accompanied them explained to one of the four ladies who spoke English best, that a case of suspected pest having been discovered among the steerage passengers, it was found necessary to make an examination of all the passengers. Conformably to the officer's request the lady loosened her garments and the officer thereupon examined the glandular regions under the arms and between the legs, and in doing so he brought his hands into direct and immediate contact with the skin. The same examination was performed on each of the three remaining ladies.

Upon making enquiries among the second class and steerage passengers, Mr. Okabe learned that all the Japanese passengers of both sexes, were examined in the same way, while the three second class passengers of European or American nationality, who looked like artisans or labourers were not subjected to any physical examination whatever, but were passed upon a mere cursory visual inspection. Mr. Okabe was also told by one of the Japanese clerks in the Purser's department that, so far as he was aware, the Ship's crew, irrespective of nationality, had never been examined in Honolulu in the manner above described, and that on this occasion the examination had only been enforced in respect of the Japanese officers and seamen.

Early in the morning of the 26th of July the Acting Consul General went on board the "America Maru" and, after hearing statements of various members of the crew, had an interview with the Captain, who stated that when the vessel was boarded by the quarantine officers on the previous day, he was

ese female cabin passengers after leaving the saloon were taken to the Ship's doctor's cabin. The quarantine officer who accompanied them explained to one of the four ladies who spoke English best, that a case of suspected pest having been discovered among the steerage passengers, it was found necessary to make an examination of all the passengers. Conformably to the officer's request the lady loosened her garments and the officer thereupon examined the glandular regions under the arms and between the legs, and in doing so he brought his hands into direct and immediate contact with the skin. The same examination was performed on each of the three remaining ladies.

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Early in the morning of the 26th of July the Acting Consul General went on board the "America Maru" and, after hearing statements of various members of the crew, had an interview with the Captain, who stated that when the vessel was boarded by the quarantine officers on the previous day, he was

on the bridge so that he did not see what had taken place. The Captain sent for the Ship's doctor, but finding that the latter was ashore, he called for the second officer who was a Japanese.

According to the second officer's statement the examination of the Japanese second class and steerage passengers was conducted in the same way as in case of the cabin passengers, the women passengers being taken, for the purpose, to an apartment below. The second officer confirmed the statement that differential treatment was made according as the passengers were Japanese or Europeans or Americans.

While the Acting Consul General was visiting the "America Maru", Mr. Tanaka, an Vice-Consul attached to the Consulate General, was instructed to go to the Quarantine Office and ask for explanation. In consequence of this investigation the Chief Quarantine Officer called at the Consulate and made a verbal apology. He subsequently at the request of the Acting Consul General, addressed to that officerand to Mr. Tanaka letters of explanation, copies of which are annexed hereto.

The belated explanation of Dr. Cofer, it may be pointed, only serves to show that, so far at least as the second cabin and steerage passengers and crew were concerned, racial discrimination in the matter of sanitary inspection, was officially authorized.

( C O P Y )

Honolulu, T.H., July 27th, 1901.

L. B. Cofer,
Passed Assistant Surgeon, U.S.M.H.S.,
Chief Quarantine Officer, Territory of Hawaii.

Sir:

I have the honor in response to your request, to state as follows the circumstances occurring on board the S.S. "America Maru", arriving here on July 26th, 1901, whereby it is alleged that discriminations were practised against Mr. Okabe, the Japanese Vice-Consul, at this port, his wife and fellow-Japanese passengers in the cabin:

Since the late recrudescense of bubonic plague in the Orient, the glandular regions of the passengers and crews on vessels bound for and returning from the Orient have been carefully examined as part of the routine inspection. Although, usually, the officers on board all Oriental vessels line up all passengers on the deck, men, and women alike, it has been my unvarying custom to have the women removed from the man and taken to a state-room below where the examination is conducted in the presence of either their husband or other women passengers, this being done to avoid any offence to personal privacy or propriety. Disrobing is never required as the examination can be satisfactorily performed through the clothing.

Now, with particular reference to the case of the "America Maru". Having finished with the examination of the crew, Asiatic and European steerage I was about to proceed with the inspection of the Cabin passengers. Being fully cognizant of the possibilities of infection of the other passengers, I was made highly cautious by the discovery of the case of the Chinese passenger aboard with a bubo whose nature

was feared to be plague. Therefore, as I passed you on the deck I asked: "Shall I now take the cabin also?" My meaning was: "Shall I proceed with the cabin in like manner?" though in the abstraction and business which was upon my mind, I hastily put the question in what I now perceive to have been indefinite language. For in our subsequent conversations I have learned that your understanding of my question was: "Shall I or shall I not inspect the cabin passengers?" It will therefore be evident, sir, that no discrimination or discourtesy was intended to be shown toward anyone, and hence none given.

Respectfully,

(signed) L.P.H. Bahrenburg
Assistant Surgeon, U.S.M.H.S.
Boarding Officer,
Honolulu, T. H.

COPY

Honolulu, T. H.,

July 27th, 1901

To the Honorable,

Tokichi Tanaka,

H. I. Japanese M's. Eleve-Consul,

Honolulu, T. H.

Sir:-

In answer to your request this morning for a statement as to why Mr. and Mrs. Okabe, and certain other Japanese first cabin passengers on the S. S. "America Maru" were discriminated against in being examined upon their arrival here in a manner different from that practiced upon the other first class passengers, I have the honor to enclose a letter from Dr. Bahrenburg, the Boarding Officer who examined the first cabin passengers on the occasion referred to which letter gives the circumstances under which the mistake was made.

It will be seen now that the matter has been thoroughly gone into that the alledged discrimination and discourtesy grew out of an order given some time ago to examine all steerage Japanese and Chinese women below, said order referring simply to the steerage but wrongly understood to include all Japanese and Chinese on the ship. And on the day referred to on account of the then possible case of plague on board, the fact that my order to proceed with the inspection of the cabin was construed to mean that the said inspection should be made as in the case of steerage passengers.

The blame then, if there is any, rests on this office in general, and not on the steamship people as the usual mistakes in the segregation of passengers was not the cause of this particular trouble.

This office has then to apologize to Mr. and Mrs. Okabe,

and

nd others for a not unnatural mistake which has caused them

his annoyance.

Respectfully,

(Signed) L. E. Cofer.

Passed Assistant Surgeon, M. H. S.

Chief Quarantine Officer,

Territory of Hawaii.

Honolulu, T. H., July 27th 1901.

To the Honorable M. Saito,

H. I. Japanese M.'s Consul,

Honolulu, T. H.

Sir:--

I have the honor to inform you that in a letter sent this day addressed to Mr. Tokichi Tanaka of your office, an explanation has been made for your consideration, which shows that the alleged discourteous treatment of Mr. and Mrs. Okabe and others was due to a misunderstanding of my orders and not to a desire on the part of anyone of the officers here to show any discrimination against your people. This office has also given an apology for the annoyance caused by the mistake.

Respectfully,

(signed) L. E. Cofer,

Passed Assistant Surgeon,
U.S.M.H.S.
In Command.

Enclosure B with Mr. Buck's No. 578 of August 21, 1901.

The Quarantine Trouble at Hawaii.

(August 18th 1901)

Kokumin Shimbun

The Japanese residents are trying to make a strong protest in connection with the insult inflicted upon the Japanese at Hawaii. Since the facts were conveyed to this country they have attracted the attention of the people, and have become a topic of general discussion in the press world. We were all along angry with the unlawfulness of the measures taken by the American quarantine doctors, but we thought such things must be thoroughly investigated before any conclusion is arrived at. The result of the thorough investigation shows us the following facts, which we profoundly regret to have to discuss here.

When the America Maru entered Honolulu on the 25th of July, it was subjected to a sanitary examination of the American quarantine officers, as there was a doubtful case of pest among the steerage passengers. The officers examined the steerage passengers by inspecting their arm-pits and the crotches of their legs. As to the first class passengers the Europeans and the Americans were allowed to pass the saloon after simply answering to their names. But a special examination was exercised on the Japanese first class passengers.

First Vice- Consul Okabe and then several other Japanese passengers were examined on the deck, their bodies being felt by the doctors in the course of the examination. The Japanese were not content with this special treatment, but as the Vice- Consul accepted it, they followed his example without saying anything. Then the wife of the Vice- Consul

and three other ladies were ushered into a room lighted with electricity, and one by one were told to loosen their clothes and stand before a wall. There the doctors examined them by feeling their arm-pits and the crotches of their legs.

Why was a distinction made betwwen the Japanese and the Whites? Why did the ladies undergo a special examination in a separate room? The principal questions lie there. The facts given above are certified by the communications through Vice-Consul Tanabe between Consul Saito and Dr. Coffer, Chief of the Quarantine Officers. Dr. Coffer attributed the outrage in question to the misunderstanding of his order on the part of his subordinates, and sent an apology with a detailed note by Dr. Glenburg on the 30th of July. According to the Doctor's note the order to examine the Japanese steerage passengers strictly was misunderstood by him and applied to the Japanese in general. This note proves that even the Chief of the AmericanQuarantine Officers recognized the fact that a distinction was made between the Japanese and the Whites, and a special examination was exercised on the Japanese.

Why did the American quarantine officers give the Japanese a special treatment and exercise a special quarantine examination? This is the question which we must ask for the sake of the honor of our Empire and Nation. We shall never be satisfied until a clear explanation is given to the question. We believe that we should not be satisfied with the apologyof the quarantine doctor, which says that the special treatment of the Japanese has been based on a misunderstanding on the part of the officers; because one's common sense would convince one that there is no reason why the first class passengers should be divided into Westerners and Japanese. T

The Common Sense forbids the existence of such misconception.

Some may wonder why the Japanese ladies did not raise any objection to such an illegal and improper treatment when they were to be subjected to it. But this, though it sounds reasonable, is not a proper reproach to the weaker sex--especially to the Japanese ladies who are modest, obedient and full of the spirit of conformation.

What we cannot help regretting is that Vice-Consul Okabe who was on the same vessel made no protest when the Japanese ladies were treated in such a way. His excuse is that such was his first experience and so that he thought it was a custom peculiar to Hawaii. At any rate it is a great pity that a special treatment to the Japanese ladies could not be prevented by the timely interferenceof Mr. Okabe. We, the Japanese people, shall not pass over such a fact. No doubt our Government will take a proper step not to leave a bad effect in future.

Hitherto the conduct of the Hawaii Government towards the Japanese residents appears to have been destitute of friendly good will. A short time ago they burned down the houses of the residents; and this time they treated the Japanese so insultingly. This is perhaps because the real will of the great Republic on the other side of the Pacific is misrepresented by the Hawaii Government. We should not entertain a slightest misgiving towards the United States on account of the trouble of this time. We believe that the Washington Government will take a proper measure on this subject , not to mar the friendship existing between Japan and the United States.

Now that it is a known fact that the American quarantine

officers carried out a special examination to the Japanese, now that it is a known fact that a partial treatment was made to the Japanese in distinction from the Whites, our diplomatic authorities must ask for a full explanation and get a guarantee for the future. No doubt the United States Government will take a proper position on this occasion.

Trusting the diplomatic morality and prudence of the Washington Government shall and trusting the kindness with which our Government shall protect the rights of the people, we calmly wait for a satisfactory settlement of this case. We must take a good care for the benefit of our country not to excite an ill feeling between the two countries by a clamorous unfaithful discussion.

DIPLOMATIC,
SEP 21 1901
UNITED STATES LEGATION
BUREAU TOKIO, JAPAN.

DEPT OF STATE
SEP
21
1901
2ND ASST SECRETARY

DIPLOMATIC BUREAU.
To Secy of War.
Ack + file.
aaa

No. 579.

August 26, 1901.

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Asked and
To Ord. Dept.
Ord. #4
C.

Sec 7/2x to War

Mr. Buck

to the Secretary of State.

Subject:- Major Wood's allowance for office rent.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 579.

August 26, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of instruction No. 354 of the 26th ultimo enclosing correspondence relating to office room at the Legation for Major O. E. Wood, Military Attaché of the Legation, directing me to give him all possible accommodation for the performance of his official duties.

Referring to this correspondence of Major Wood's with the Department respecting his understanding from me that $50 per month allowance was made by the State Department for rent of office for Military Attaché, I can only say that the Major must have misunderstood me, I did not intend to convey the impression that such an allowance was made by the State Department. I told him that the former Attaché, as I understood, was allowed this ammount. The allowance might have been simply as commutative of quarters.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

DIPLOMATIC,
OCT 8 1901
BUREAU

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 580

August 28, 1901.

TRADE BUREAU
REC'D.
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1901
DEPT. OF STATE

Ans. Oct. 10

Enclosure filed (1 copy) in D. F. C. To appear in Com. Rel. 1901

Mr. Buck

to the Secretary of State.

Subject:- Revised Mining Regulations of the Empire of Japan.

Mr. Emery

Assistant Solicitor,
OCT 4 1901
Department of State.

Dear Mr. Smith:

Should this go to the Bur. of Foreign Commerce—

Yes. Act. Dep. regulations will be printed in "Commercial Relations" for 1901 J.B.M.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.580. August 28, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Referring to my dispatch No. 401 of the 3rd of March 1901, as respects the part of the dispatch concerning "mining privileges" in Japan, extended to foreigners organized as juridical persons, I have the honor to enclose herewith cuttings from the Japan Daily Herald of the 24, 26, 27, and 28 instant which give a full translation of the "Mining Regulations" of the Empire. Also Bye Laws relating to the same regulations.

I have the honor to be,

Sir,

Your obedient servant.

A. E. Buck

Enclosures:- Duplicate copies of the Japan Daily Herald as above

Duplicate copies of Bye Laws as above.

01, Enclosure with Mr. Buell's No. 580, of August 28, 1901

The Japan Daily Herald.

SATURDAY, AUGUST 24TH, 1901.

# MINING REGULATIONS.

Issued on Sept. 25th, the 23rd year of Meiji (1890) by Law No. 87.

Partly revised by Law No. 74 issued in March, the 23rd year of Meiji (1900).

## CHAPTER I.—GENERAL RULES.

Art. I.—The word mining in this law embraces all such undertakings as prospecting for and mining mineral ores and all operations ancillary thereto.

Art. II.—All unmined minerals are the property of the State.

The minerals which come within the scope of this law are :—

Gold ore (gold dust excepted), silver ore, copper ore, lead ore, bismuth ore, tin ore, (tin dust excepted), antimony ore, quick-silver ore, zinc ore, iron ore (iron dust excepted), sulphate of iron ore, chromate of iron ore, manganese ore, arsenic ore, phosphate ore, blacklead, coal, lignite, petroleum oil, asphalt and sulphur.

Art. III.—No persons *other than subjects of the Empire or companies duly formed in accordance with the laws thereof* may engage in mining operations in Japan.

Art. IV.—Officials of the Mining Bureau and Offices for the Control of Mines in the Department of Agriculture and Commerce are not permitted, while in office, to engage in mining; neither are they allowed to become partners in mining enterprises nor shareholders or officials of mining companies.

Art. V.—Miners, whose mining privileges have been cancelled in accordance with these regulations are debarred from making application for mining in respect to the same mining area for one year.

Art. VI.—When two or more than two persons are jointly engaged in mining they shall appoint from among themselves a sole representative and notify the appointment to the Office for the Control of Mines having jurisdiction.

Sole representatives shall be deemed to represent all the persons jointly engaged in mining vis-a-vis the Government in matters relating to their mining business.

Art. VII.—Reports relating to changes in the personnel of persons jointly engaged in mining, sale and purchase, transfer and pledge or mortgage of the right of mining and the cessation of business shall be signed by the sole representative and at least half of the persons jointly engaged in the mining business.

## CHAPTER II.—PROSPECTING AND MINING.

Art. VIII.—Persons wishing to prospect for ores shall send in an application to that effect to the Chief of the Office for the Control of Mines having jurisdiction together with a map of the locality where it is desired to prospect, and shall obtain official permission from such office.

Art. IX.—The term for prospecting is limited to one year calculated from the date of permission.

When circumstances exist which make it difficult for prospectors to complete the work within the period specified in the foregoing paragraph, they may make application for an extension of the term to the Chief of the Office for the Control of Mines having jurisdiction.

Should the Chief of the Office for the Control of Mines having jurisdiction consider, after due investigation, that the circumstances are unavoidable he may grant permission for the extension of the term for a period not exceeding one year.

Art. X.—Mineral ores acquired while prospecting may be sold on obtaining permission from the Chief of the Office for the Control of Mines having jurisdiction.

Art. XI.—When mineral ores are sold in accordance with the preceding article, one per cent. of the proceeds of the sale shall, within thirty days, be paid to the Chief of the Office for the Control of Mines having jurisdiction.

Should the payment mentioned in the foregoing paragraph be not made within the specified term, the defaulter will be dealt with in accordance with the Law for Dealing with Persons Failing to pay National Taxes.

Art. XII.—Persons wishing to obtain mining privileges shall send in an application to that effect through the Chief of the Office for the Control of Mines having jurisdiction addressed to the Minister of Agriculture and Commerce together with a map of the mining area.

Should it be difficult to hand in the application for mining and map of the mining area at the same time, the application alone may be sent in subject to the production of the map of the mining area within fifty days from the date of application. Should the map not be handed in within the specified period of time, the application will become null and void.

Art. XIII.—Persons applying for mining privileges must prove the existence in the locality of the proposed mine of the minerals which it is intended to mine.

Art. XIV.—When the Chief of the Office for the Control of Mines deems it necessary to make an actual inspection for confirming the existence of the minerals indicated, he shall cause the applicant for mining to deposit in advance travelling expenses and daily allowances (in accordance with the official regulations) to cover the cost of despatching an official to conduct such investigation.

Should the applicant for mining fail to deposit the travelling expenses and daily allowances within fourteen days from the date of such notice, his application will become null and void.

Art. XV.—The Office for the Control of Mines shall provide and keep mining registers for the registration of applications for prospecting and mining to be entered according to the order of application both as to date and time.

Art. XVI.—When two or more than two persons make application for prospecting or mining in respect to the same place, permission will be given in accordance with the priority of application.

If the time of applications is identical, the Chief of the Office for the Control of Mines shall give notice to that effect to the applicants. The applicants shall within sixty days from the date of such notice, consult together as to which of them shall be regarded as the successful applicant. Should they not be able to arrive at any decision regarding the matter, their applications will become null and void.

If the time of application is identical, and if the applications are some for prospecting and some for mining, preference shall be given to applications for mining.

Art XVII.—When the Minister of Agriculture and Commerce deems it proper to grant, a formal mining license shall be delivered to the applicant.

Art. XVIII.—When the work of prospecting or mining is found to be injurious to the public welfare, applications will not be granted in the case of prospecting by the Chief of the Office for the Control of Mines, and in that of mining by the Minister of Agriculture and Commerce.

Art. XIX.—When prospecting or mining proves to be injurious to public welfare the Chief of the Office for the Control of Mines having jurisdiction in the case of prospecting, and the Minister of Agriculture and Commerce in that of mining may cancel permission or privileges already granted.

Should the miner be dissatisfied with the cancellation, he may lodge a complaint with the Court of Administrative Litigation within thirty days from the date of receipt of notice, provided that no claim for compensation for loss or damages can be made.

Art. XX.—The right of mining minerals for which privileges have been granted can be bought, sold, transferred, pledged, or mortgaged.

When the right of mining is bought, sold or transferred, application signed by both parties shall be made to the Minister of Agriculture and Commerce through the Chief of the Office for the Control of Mines having jurisdiction, and a new certificate made out in the names of the acquiring party be obtained. Sales, purchases or transfers not made in accordance with procedure hereby provided shall be null and void in law. With regard to mortgages created in respect to mining privileges, the documents shall be signed by both parties and shall be recorded in the Office for the Control of Mines having jurisdiction. Mortgages not registered have no legal value.

*(To be continued.)*

The Japan Daily Herald.

MONDAY, AUGUST 26TH, 1901.

## MINING REGULATIONS.

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*(Continued from Saturday.)*

Art. XXI.—No person may, during the term of a prospecting grant, apply to be allowed to mine the same mineral in a place where another person is engaged in prospecting.

Art. XXII.—When any person wishes to apply for prospecting or mining privileges within the prospecting area already allotted to another person in respect to a different class of minerals, he shall procure the consent of the party already engaged in prospecting.

Persons engaged in prospecting shall not refuse the consent mentioned in the foregoing paragraph except in cases where they themselves wish to make application for prospecting or mining, or where it is injurious to the prospecting for minerals for which permission has been obtained.

Art. XXIII.—Persons desirous of obtaining permission to prospect for or mine certain minerals within the mining area belonging to another miner who has not yet obtained the permission for prospecting or mining such indentical ores, must obtain the consent of such other miner.

No miner shall refuse the consent mentioned in the foregoing paragraph except in cases where he himself intends to make application for prospecting or mining, or when such work would be injurious to the mining operations in which he is already engaged.

Art. XXIV.—No places within 600 yards in every direction from Imperial shrines, Imperial mausoleums, fortresses under military or naval jurisdiction, naval ports, ports of strategic importance, gunpowder factories, gunpowder magazines, and ammunition store houses, can be used for prospecting, mining, or purposes ancillary thereto, provided that in the case of naval ports and ports of strategic importance, this rule shall not apply when the permission of the commanding officer of the station has been obtained.

Art. XXV.—No prospecting or mining is allowed to be carried on in places within 60 yards in all directions (whether at the surface or interior of the earth) from railways, tramways, public roads, rivers and lakes, embankments, marshes and ponds, temples, cemeteries, public gardens and buildings, unless with the consent of the authorities concerned as owners, provided that the latter cannot refuse their consent when no danger is apprehended.

Art XXVI.—Miners shall, on or before the 30th of October of the previous year or in the case of first year, within three months from the date on which the privilege for mining has been obtained, make out and submit a yearly programme of mining work to be done to the Chief of the Office for Control of Mines having jurisdiction, and obtain official sanction.

When the programme mentioned in the foregoing paragraph is deemed to be injurious to the safety of the interior of mines or to be disproportionate to the mining area, the Chief of the Office for the Control of Mines having jurisdiction shall point out to the miners the reasons and cause them to effect amendments in the scheme.

Art. XXVII.—No miners may carry on operations, unless they conform to the programme of the work as sanctioned by the Chief of the Office for the Control of Mines having jurisdiction.

Art. XXVIII.—When a miner fails to hand in the programme of the work or the amendments thereto within the specified term the Minister of Agriculture and Commerce may cancel the mining grant.

Art. XXIX.—If a miner suspends his work for a period of more than one year or if he does not commence work within one year from the date on which the privilege for mining is obtained, the Minister of Agriculture and Commerce may cancel the grant.

Art. XXX.—When the cases mentioned in the two foregoing articles have occurred and default does not lie with the miner, the reasons may be given to the Minister of Agriculture and Commerce within fourteen days from the date of receipt to notice of the cancellation of privileges and a fresh application made. Should the Minister of Agriculture and Commerce refuse to accept them, an action may be brought before the Court of Administrative Litigation within thirty days from the date of receipt of such notice.

Art. XXXI.—Mines shall prepare duplicate copies of drawings of survey of the interior of their mines, one of which shall be submitted to the Office for the Control of Mines having jurisdiction and the other kept at the mining office.

Drawings of survey of the interior of mines mentioned in the foregoing paragraph shall be supplemented every six months according to the progress of the work.

When miners find it necessary to have the drawings of survey of the interior of mines in the adjoining mining area belonging to others certified, they may request the Chief of the Office for the Control of Mines having jurisdiction for such certificate.

Should the Chief of the Office for the Control of Mines consider it necessary for the purpose of certification to despatch an official to the spot to make actual inspection, he shall direct the miners to deposit in advance moneys for travelling expenses and daily allowances in accordance with the official scale.

Art. XXXII.—When a miner has damaged or lost his mining license, an application stating the fact and reason for the issue of a fresh certificate shall be made to the Minister of Agriculture and Commerce through the Office for the Control of Mines having jurisdiction.

Art. XXXIII.—When it is discovered that permission for prospecting has been obtained by fraud or mistake, the Chief of the Office for the Control of Mines having jurisdiction shall cancel the permission. If this is discovered by persons having an interest in the permission, they may, within three months of the date of permission, apply to the Chief of the Office for the Control of Mines having jurisdiction for cancellation of such permission for prospecting.

Persons who are dissatisfied with the decision given by the Chief of the Office for the Control of Mines having jurisdiction in the case of the foregoing paragraph, may lodge a complaint with the Court of Administrative Litigation within thirty days of the date of such decision.

Art. XXXIV.—When it is discovered that the privilege for mining has been obtained by fraud or mistake, the Minister of Agriculture and Commerce shall cancel such privilege. If the discovery is made by persons having an interest in the privilege, they may, within thirty days of the date on which the privilege was granted, apply to the Minister of Agriculture and Commerce for cancellation of the grant.

Persons who are dissatisfied with the decision of the Minister of Agriculture and Commerce in the case of the foregoing paragraphs, may lodge a complaint with the Court of Administrative Litigation within thirty days of the date of such decision.

Art. XXXV.—In the cases mentioned in Par. 2 of Art. XXII. and Par. 2 of Art. XXIII., if consent is refused without reasons, the persons concerned, and in the case mentioned in the priviso of Art. XXV. if consent is refused without there being any danger, miners may request the Chief of Office for the Control of Mines having jurisdiction to render a decision in the matter.

Art. XXXVI.—Persons who are dissatisfied with the decision mentioned in the foregoing Article may make application for a judgment to the Minister of Agriculture and Commerce within thirty days of the date of receipt of such decision.

Art. XXXVII.—When miners give up business, a report to that effect shall be made to the Office for the Control of Mines having jurisdiction, and the mining license shall be returned.

Art. XXXVIII.—When the Minister of Agriculture and Commerce has cancelled the privilege for mining in accordance with Art. XIX., XXVIII., XXIX., XXXIV., XLIII., and LXXVI., or when a report, i.e., cessation of business has been made, mortgagees created in the right of mining minerals for which privilege has been obtained will lose their validity, provided that with the exception of cases mentioned in Art. XIX. and XXXIV., the privilege shall be granted to the creditors without regard to the order of applications if they apply for mining at the mining area concerned within sixty days.

Art. XXXIX.—Miners shall, in January of each and every year, make a report to the Office for the Control of Mines having jurisdiction, giving the quantity of minerals mined, the quantity of refined products and proceeds of sales of same, selling prices, working days and number of labourers employed during the previous year.

Art. XL.—Miners shall prepare books in accordance with forms provided by the Minister of Agriculture and Commerce and shall therein set down particulars as to quantities, selling prices, etc., of refined products turned out.

*(To be continued.)*

The Japan Daily Herald.

TUESDAY, AUGUST 27TH, 1901.

## MINING REGULATIONS.

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Partly revised by Law No. 74 issued in March, the 23rd year of Meiji (1900).

*(Continued from yesterday.)*

### CHAPTER III.—MINING AREAS.

Art. XLI.—By the term mining area is meant an area of land having specific boundaries within which mining operations are carried on.

The boundaries of mining areas are determined by perpendicular lines and are limited under these to the same measurement as the surface, the boundary lines descending perpendicularly. The extent of one mining area shall be from 10,000 tsubo for coal and from 3,000 tsubo for other minerals and shall not exceed in either case 600,000 tsubo.

Art. XLII.—When it is deemed that the position and shape of a mining area under application are different from the position and shape of mineral beds, and that consequently they will be injurious to mining interests, the Chief of the Office for the Control of Mines having jurisdiction shall give notice to that effect to the applicant, ordering him to make amendments.

When the applicant receiving the notice mentioned in the foregoing paragraph fails to hand in an amended application within thirty days from the date of receipt of such notice, his application will become null and void.

Art. XLIII.—When it is deemed that the position and shape of a mining area for which privilege has been obtained are different from those of mineral beds, and that consequently they will be injurious to mining interests, the Chief of the Office for the Control of Mines having jurisdiction shall, after obtaining the approval of the Minister of Agriculture and Commerce, order alterations to be made within a specified period of time less than sixty days. If the alterations are not duly made the Minister of Agriculture and Commerce may cancel the privilege already granted.

Should a miner be dissatisfied with the cancellation of the privilege mentioned in the foregoing paragraph he may bring an action at the Court of Administrative Litigation within thirty days of the date of the receipt of such notice.

Art. XLIV.—When a miner desires to make alteration in the boundaries and position of a mining area in accordance with the shape of mineral beds, an application to that effect addressed to the Minister of Agriculture and Commerce shall be forwarded to the Chief of the Office for the Control of Mines having jurisdiction. The application should be accompanied by a statement of reasons, an amended drawing of the mining area and mining license.

If the Minister of Agriculture and Commerce deems such alteration necessary, he shall grant a fresh mining license.

Art. XLV.—In case a miner has applied for the alteration of a mining area, if the Chief of the Office for the Control of Mines having jurisdiction deems it necessary to have an actual inspection made by officials, he shall direct the miner to deposit in advance the travelling expenses and daily allowances according to the official scale.

If the miner does not deposit the travelling expenses and daily allowances mentioned in the foregoing paragraph within fourteen days of the receipt of the notice to make such deposit, his application will become null and void.

Art. XLVI.—Persons wishing to amalgamate or to make partition of mining areas shall apply to the Minister of Agriculture and Commerce through the Chief of the Office for the Control of Mines having jurisdiction. The application should be accompanied by a drawing of the mining areas to be amalgamated or partitioned, and the mining license or licenses. When there are creditors holding a mortgage over the mining rights in question, the application shall also be accompanied by the consent of such creditors in writing.

When the partition of mining areas takes place the limits mentioned in Art. XLI are not to be infringed.

### CHAPTER IV.—EMPLOYMENT OF LAND.

Art. XLVII.—When it is required to make the survey of land belonging to others for the purpose of prospecting or mining, the permission of the Office for the Control of Mines having jurisdiction shall be obtained. In this case no land-owners or persons interested can refuse to permit such survey, but should damage be caused by the survey the person causing the survey to be made shall make compensation.

When a person causing a survey to be made enters the land owned by others, he must give previous notice to that effect to the landowners and must carry with him the Permit for Survey.

Art. XLVIII.—When it becomes in the following cases necessary to use land belonging to others for mining purposes and the miner makes request to borrow it, the landowners or persons interested may not refuse their consent:

For the purpose of making openings of pits.

For the purpose of constructing depots for piling up mineral, and earth and stones.

For the purpose of making pitways, roads, railways, tramways, canals, drains and reservoirs.

For the purpose of constructing refineries, and buildings necessary for mining.

Art. XLIX.—The landowner or the person interested can refuse to let land in the following cases:—

If the land which it is desired to hire is that mentioned is Art. XXX.

If the hirer of land does not deposit the security money mentioned in Art. L.

Art. L.—The hirer of land shall pay to the lender a reasonable ground rent for the land rented.

The lender of land may cause the hirer to deposit in advance a sum of money not exceeding the taxable value of land as shown in the Land Register, as security for the ground rent.

The ground rent and security money for land which is mortgaged are to be received by the mortgagee.

When damage is caused to the landowner or the person interested by the use of the land, the miner must make reasonable compensation.

When the hirer of land ceases to use the same and has paid in full the ground rent for the period of use, the lender of the land or the mortgagee shall return the security money in exchange for the land.

Art. LI.—When the hirer of land has ceased to use the same, he shall conformably with the request of the lender of land restore the land to its original condition and return it. If it is impossible to restore it to its original condition, the hirer of the land shall make compensation for damages.

Art. LII.—When the hirer of land has delayed the payment of ground rent the lender of the land may recover the land and deduct a sum of money equal to the ground rent in arrear from the security deposited.

When the land mentioned in the foregoing paragraph is about to be returned, if there exist on the surface thereof buildings or other objects and the whereabout of the hirer of the land is uncertain, a period of time of not less than sixty days shall be determined during which notice to that effect shall be advertised in the local newspaper.

If the hirer of land does not remove the buildings or other objects within the specified period of time, they shall become the property of the lender of the land.

Art. LIII.—When the land has, at the request of the miner, been divided and sold or lent, and owing to this the remainder of the land is injured for use, the miner may be requested to buy or hire the whole of the land. In this case the miner may not refuse such request.

Art. LIV.—When it is the object of the miner to use the land rented for more than three years or when he has already used it for more than that period, the lender of the land may make a demand upon the miner to purchase the said land. In this case the miner may not refuse to accede to such request.

Art. LV.—When no arrangement can be arrived at between the landowner or person interested and the person requesting a survey, or the miner, as to the letting of land, ground rent, security money, amount of compensation for damages or the purchase or selling price of land, the Office for the Control of Mines having jurisdiction may be asked to decide the matter.

If the decision of the Chief of the Office for the Control of Mines having jurisdiction is not satisfactory, the judgment of the Minister of Agriculture and Commerce may be asked for in the case of hiring of land, and as to the ground rent, security money, amount of compensation for damages or purchase or selling price of land, an action may be instituted in a Court of Law, in both cases within thirty days from the date of receipt of the decision.

No action can be taken against the judgment of the Minister of Agriculture and Commerce mentioned in the foregoing paragraph.

Art. LVI.—The expenses incurred in making application for the decision of the Chief of the Office for the Control of Mines having jurisdiction or for the judgment of the Minister of Agriculture and Commerce shall be borne in accordance with the legal scale of charges in civil cases.

Art. LVII.—A miner may, though the landowner or the person interested is dissatisfied with the decision given by the Chief of the Office for the Control of Mines having jurisdiction as to the ground rent, security money, amount of compensation for damages or the purchase or selling price, pay money to the landowner or the person interested, or if he refuses to receive it, deposit the same in a public deposit office and use the land.

## Chapter V.—Mining Police.

Art. LVIII.—The following police matters relating to mining business shall be controlled by the Minister of Agriculture & Commerce and shall be executed by Chiefs of Offices for the Control of Mines:—

The safeguarding of the interior of mines and buildings connected therewith.

The protection of lives of mine employees and of public health.

The preservation of the earth surface and protection of public interest and welfare.

Art. LIX.—When danger is apprehended in consequence of mining operations, or when it is deemed that the public welfare may be injured, the Chief of the Office for the Control of Mines having jurisdiction shall order the miner to take precautionary measures or to suspend mining.

When the Chief of the Office for the Control of Mines intends to order a suspension of mining he shall obtain the sanction of the Minister of Agriculture and Commerce except in cases of urgency which admit no delay.

Art. LX.—In the case of the first paragraph of the preceding article, if the miner fails to take precautionary measures immediately, the Chief of the Office for the Control of Mines having jurisdiction shall direct the officials and mine employees employed by the miner to carry out the said precautionary measures.

In this case the miner is bound to furnish the official and mine labourers in his employ to take precautionary measures and to bear all expenses incurred.

Art. LXI.—When, after the mining operations are suspended in accordance with Art. LIX, the cause for suspension ceases to exist, the Chief of the Office for the Control of Mines having jurisdiction shall at once cancel such suspension and make a report to that effect to the Minister of Agriculture and Commerce.

Art. LXII.—When the Minister of Agriculture and Commerce has cancelled a mining grant in accordance with these regulations or when the miner has relinquished business, the Chief of the Office for the Control of Mines having jurisdiction shall cause the removal of dwellings and other buildings etc., erected in connection with the mine within a specified period of time not less than sixty days. If the removal is not effected within the specified time, the buildings etc. shall become the property of the landowner. Provided that no structure, in the interior and at the entrance of the mines which are considered by the Chief of the Office for the Control of Mines having jurisdiction to be necessary for the preservation of safety of the interior of the mine shall be removed.

In the case of the foregoing paragraph, if the whereabouts of the mine is uncertain, steps shall be taken in accordance with Par. 2 of Art. LII.

Art. LXIII.—The Minister of Agriculture and Commerce may, by means of Departmental Notification, within the scope of these regulations make bye-laws in respect to police matters regarding mines.

## Chapter VI.—Mine Labourers.

Art. LXIV.—The term mine labourers in this law includes all persons of either sex engaged in excavating ores and work ancillary thereto.

Miners shall draw up rules relative to the employment of their mine labourers and obtain the sanction of the Office for the Control of Mines having jurisdiction.

Art. LXV.—In the absence of any special agreement between miners and their labourers either party is at liberty to cancel the engagement by giving fourteen days' previous notice to that effect.

Art. LXVI.—Miners may disengage their labourers at any time in the following cases:—

When they have been sentenced to punishment graver than misdemeanors or acted in a disorderly manner or disobeyed orders.

When they have acted rudely towards the miner or the officers employed by him.

When they are physically incapable to work and consequently unable to attend to their duties.

When mining has been prohibited or relinquished.

Art. LXVII.—Mine-labourers may quit their employment at any time in the following cases :—

When they are physically incapable of attending to their duties.

When they are cruelly treated by the miner or his officials.

When their wages or remuneration agreed upon are not paid to them.

Art. LXVIII.—A miner or his representative shall, at the request of a mine labourer, give to the latter a certificate stating the number of years he has been engaged, his working ability, wages and the reasons for discharging him.

Should the miner refuse to give the certificate or the labourer find in the certificate matters which he thinks improper, complaint may be made to the officials of the Office for the Control of Mines having jurisdiction, or to the police.

Art. LXIX.—A miner is bound to pay wages in legal currency, no payment in kind being allowed except at the request of the mine labourers themselves.

Art. LXX.—Every miner shall keep a mine labourers' register and enter therein the names, ages, registered domicile, occupation, and the dates of engagement and discharge of the labourers he employs.

Art. LXXI.—The Minister of Agriculture and Commerce may, within the following limits, establish by means of Departmental Notification bye-laws governing the employment of mine labourers :—

To limit the working hours so as not to exceed 12 hours per diem.

To limit the class of work of female labour.

To limit the number of working hours and the class of work of child-labour in respect to children under fourteen years of age.

Art. LXXII.—Miners must give relief to mine labourers in their employment in the following cases. Any rules with regard to granting relief must be approved by the Chief of the Office for the Control of Mines having jurisdiction :—

When a mine labourer receives bodily injuries while in the course of his work and the said injuries have not been caused by his own fault, a portion of the doctor's fees and other medical expenses shall be contributed by the miner.

In the case of the foregoing paragraph, a reasonable daily allowance shall be paid to a mine labourer while he is under treatment and out of work.

In the case of a mine labourer deceased on account of bodily injuries mentioned in the foregoing paragraph, a portion of the funeral expenses shall be contributed and an allowance be made to his surviving relatives.

In case of receiving bodily injuries mentioned in the foregoing paragraph, when a mine labourer has become crippled or maimed, an allowance for his support shall be given for a stated period of time.

*(To be continued.)*

The Japan Daily Herald.

WEDNESDAY, AUGUST 28TH. 1901.

# MINING REGULATIONS.

TRANSLATED BY J. E. DE BECKER.

Issued on Sept. 25th, the 23rd year of Meiji (1890) by Law No. 87.

Partly revised by Law No. 74 issued in March, the 23rd year of Meiji (1900).

*(Concluded from yesterday)*

## CHAPTER VII.—MINING TAXES AND TAXES ON MINING AREAS.

Art. LXXIII.—Miners shall pay one per cent. of the value of the products of their mines as mining taxes, and 30 *sen* per annum for each 1,000 *tsubo* of their grant as taxes on mining areas, provided that no tax be levied on any fraction of a thousand *tsubo*.

No mining tax shall be imposed on persons engaged in mining iron ores.

Art. LXXIV.—The value of mining products mentioned in the foregoing article shall be determined and notified by the Minister of Agriculture and Commerce taking as a basis the average quotations in the chief markets, provided that in case where no quotations can be obtained, the price at which the goods are sold will be adopted as a basis of value.

Art. LXXV.—Mining taxes for the previous year shall be paid on or before the 31st March of each and every year, but when the enterprise is abandoned the payment of the tax must be made within sixty days of the date of giving up business.

Taxes on mining areas for one year shall be prepaid on or before the 15th of December of the previous year. That for the first year shall be paid within sixty days of the date of granting the privilege for mining for as many months as business is carried on during that year. The tax for the year in which business is abandoned will not be returned.

Art. LXXVI.—When miners fail to pay the mining taxes and taxes on mining areas, the Minister of Agriculture and Commerce may cancel the privilege for mining. If dissatisfied with the cancellation, action may be brought before the Court of Administrative Litigation within thirty days from the receipt of such notice.

## CHAPTER VIII.—PENALTIES.

Art. LXXVII.—Offenders against Arts. XXIV. and XXV., shall be punished by a fine of not less than twenty and not exceeding one hundred *yen*.

Art. LXXVIII.—Persons who have engaged in mining without obtaining official permission, or who have obtained such permission by fraud, shall be punished by a fine of not less than fifteen and not exceeding one hundred and fifty *yen*.

Art. LXXIX.—Persons who have prospected without obtaining official permission, or who have obtained such permission by fraud, or who have prospected after the expiration of the term of the permission, shall be punished by a fine of not less than ten and not exceeding one hundred *yen*.

Art. LXXX.—Offenders against Art. XXVII. and persons who do not proceed with taking the precautionary measures mentioned in Art. LIX. or offenders against the provisions of Art. LXII shall be punished by a fine of not less than fifteen and not exceeding one hundred and fifty *yen*.

Offenders against Para. 1 and 2 of Art. XXXI. shall be punished by a fine of not less than five and not exceeding fifty *yen*.

Art. LXXXI.—Offenders against Art. X. shall be punished by a fine equal to one-half of the amount of selling price.

Art. LXXXII.—Persons who have concealed the selling price referred to in Art. XI. shall be punished by a fine equivalent to one half of the amount concealed.

Art. LXXXIII.—Persons who have escaped paying taxes by means of false statement re matters to be reported in accordance with Art. XXXIX. shall be punished by a fine equal to three times the amount of the taxes so avoided. For matters not connected with the avoiding payment of taxes, a fine shall be imposed of not less than two and not exceeding twenty *yen*.

Art. LXXXIV.—Persons who do not keep the books referred to in Art. XL. or fail to make entries therein or make false statements shall be punished by a fine of not less than two and not exceeding twenty *yen*.

Art. LXXXV.—Offenders against Par. 2 of Art. LXIV. and Arts. LXIX. and LXXII. shall be punished by a fine of not less than ten and not exceeding one hundred *yen*.

Art. LXXXVI.—Persons who have infringed provisions of Arts VI., XXXVII., LXVIII. and LXX. shall be punished by a place fine of not less than one *yen* and not exceeding one *yen* and ninety-five *sen*.

Art. LXXXVII.—In the case of Arts. LXXXI., LXXXII., and LXXXIII. if the persons concerned have made voluntary confession, the amount of tax unpaid shall be collected. In this case the parties shall be exempted from punishment.

Art. LXXXVIII.—The provisions of the Criminal Code in respect to lowering of penalties, aggravation of penalties on account of repetition of offences, and several offences committed by the same person do not apply to cases dealt with under these regulations.

When a miner who has committed an offence against these regulations under their provisions is punishable, should he be a *non-compos-mentis*, feeble minded, or deaf and dumb, his guardian shall be punished in his stead.

## CHAPTER IX.—SUPPLEMENTARY RULES.

Art. LXXXIX.—Miners engaged in prospecting or lease-holders of mining areas who have obtained permission before the coming into operation of these regulation may engage in prospecting or mining during the period of time for which the permission was obtained.

Art. XC.—Should persons who have already permission to be lease-holders of mining areas prior to the enforcement of these regulations wish to continue mining operations after the expiration of the term of their present leases, they shall make application to that effect in accordance with these regulations before the expiration of their leases.

Art. XCI.—The Minister of Agriculture & Commerce shall establish bye-laws relating to the operation of these regulations.

Art. XCII.—These regulations shall be enforced from the 1st of June of the 25th year of Meiji (1893), and the Japanese Mining Law issued in the 6th year of Meiji (1893) by Notification No. 259 of the Council of State shall cease to have binding force or effect from that day.

Art. XCIII.—When persons who have been constantly engaged in the collection of bismuth ore, chromate of iron ore, phosphorus ore, lignite, or asphalt prior to the 31st of November of the 32nd year of Meiji (1899) apply for the mining privileges on or before the 30th of June of the 33rd year of Meiji (1900), such privileges shall be granted for those areas only where digging is going on, without regard to the provisions of Art. XVI. and Art. XLI. relating to the extent of mining areas.

When the collectors mentioned in the foregoing paragraph apply for the privilege on or before 30th of June of the 33rd year of Meiji (1900), they may continue the collection till the date of receipt of order regardless of the provisions of these regulations.

Art. XCIV.—Persons applying for mining privileges in accordance with the provisions of the foregoing article are required to obtain the consent referred to in Art. XXII. or XXIII.

Art. XCV.—In case the extent of the mining area for which the privilege is obtained in accordance with the provisions of Art. XCIII. is under 3,000 *tsubo*, the privilege will lose its effect after the expiration of five years.

Enclosure No 2 With Mr. Burke's No 58, August 28, 1901.

The Japan Daily Herald.

THURSDAY, AUGUST 29TH, 1901.

# BYE-LAWS FOR ENFORCEMENT OF THE MINING REGULATIONS.

TRANSLATED BY J. H. DE BECKER.

Issued on the 1st day of the 2nd month of the 32nd year of Meiji (1899), by Notification No. 3, of the Department of Agriculture and Commerce.

Art. I.—Applications, demands, reports, and maps and drawings, relating to mining shall be drawn up separately for each case. Applications relating to mining and the maps and drawings to be attached thereto, for which forms and models are determined by this notification, shall be made in accordance with such forms and models.

Art. II.—Applications, demands, and reports relating to mining which have connection with Art. XIV. of the Law of Registration tax or the provisions of Imperial Ordinance No. 4 issued in the 32nd year of Meiji (1899) shall be accompanied by a note of payment according to Form No. 12 to which shall be affixed the proper amount of revenue stamps.

Art. III.—When it is difficult to hand in an application for prospecting and the maps and drawings of the prospecting locality simultaneously, the application may be lodged accompanied by rough drawings, subject to the production of the correct ones within fifty days.

Art. IV.—When an application for mining is made unaccompanied by a map of the mining area in accordance with the provisions of Par. 2 of Art. XII. of the Mining Regulations, a rough drawing must be annexed.

Art. V.—Persons wishing to obtain permission to make a survey in accordance with the provisions of Art. XLVII. of the Mining Regulations shall send in a written demand in which should be mentioned in detail the name of the place to be surveyed.

When the demand mentioned in the foregoing paragraph is made and a permit for survey is granted, the Chief of the Office for the Control of Mines shall state in the document of permission the period of time during which it is valid.

If the owner of land to be surveyed or the person interested consents to the survey, it is not necessary to obtain permission.

Art. VI.—Drawings of the rough survey of prospecting localities or of mining areas shall be prepared with the object of determining the position and extent of the land to be applied for.

The drawings of prospecting localities and of mining areas shall be prepared with the object of clearly showing the position, boundary and shape of the land to be applied for.

Art. VII.—The area of land to be applied for shall be divided as nearly as possible into a rectangular form.

If the application for prospecting or mining is to be made by a drawing of the rough survey, immovable bodies must be chosen as the point of survey which may form all the corners of the land to be applied for. If there are no immovable bodies at the points, some immovable bodies near by must be chosen and their bearings on the points of survey must be surveyed.

If the application for prospecting is to be made by means of a drawing of prospecting localities or that for mining by means of drawing of mining areas, two or more than two conspicuous immovable bodies opposite to one another shall be chosen and made the base of survey measuring their bearings on the points of survey. If the points of survey correspond to conspicuous immovable bodies, they shall be made the base of survey.

Marked posts of a strong endurable nature shall be erected at the points of survey which shall be made the corners of the extent of land applied for and the number of points of survey shall be marked on the said posts. If the posts correspond to immovable bodies the former need not to be erected.

Art. VIII.—The following particulars shall be clearly shown in the drawings of rough survey of prospecting localities, the drawings of prospecting areas and drawings of mining areas :—

1. Points of base and immovable bodies as well as their names and characteristics.

2. Northern and Southern line and scale.

3. If there are prospecting areas, mining areas or mineral dust collection areas within 100 yards of the land applied for, the connection of these with the land applied for.

4. If there exist within or in the vicinity of the land applied for, any of the objects mentioned in Arts. XXIV. and XXV. of the Mining Regulations, such objects.

5. Exposed tops of mineral beds within or near the land applied for and their direction and incline.

Art. IX.—Drawings to be annexed to applications for correction of prospecting areas or of mining areas shall be prepared conformably with the drawings of the prospecting areas or of mining areas and in them the old and new areas must be clearly shown.

Art. X.—The extent of prospecting areas shall be in accordance with the provisions of Par. 2 of Art. LXI. of the Mining Regulations.

Art. XI.—Persons wishing to obtain a prospecting area or mining area adjacent to the prospecting area or mining area belonging to other persons, shall make application leaving a space of more than 20 yards between both areas. Provided that this shall not apply to cases where the consent of the miners in the adjoining areas has been obtained, or where an application for mining in a prospecting area is made.

The Chief of the Office for the control of mines having jurisdiction may, when he deems it necessary for the control of mining business or protection of mining interests, extend the space referred to in the foregoing paragraph, to 100 yards.

Art. XII.—When applicants for prospecting or mining, persons who are about to become miners in accordance with applications for the transfer of mining licenses, or persons who are becoming new applicants on account of the application for a change in the names of applicants, are two in number, one of them shall be selected as their representative and the fact shall be stated in the application. If not mentioned in the application, the name of the applicant written first in order in the application shall be deemed a representative.

The representative mentioned in the foregoing paragraph shall be deemed to represent all persons jointly making the application except in cases where the cancellation of the application or a change of applicants is made.

Art. XIII.—When a company sends in an application, note of demand or a report, the seal of the Company shall be affixed to the document which must also be signed by the representative of the company.

Art. XIV.—Persons who have applied for prospecting or mining are not allowed to make an application for a change in the extent of the area applied for.

Art. XV.—When it is desired to change the names of applicants for mining, an application signed and sealed by both the old and new applicants shall be sent in to the Chief of the Office for the Control of Mines having jurisdiction.

Art. XVI.—When miners whose mining areas are adjacent to each other intend to change their mutual boundaries by increasing or decreasing their respective mining areas in accordance with the provisions of Art. XLIV. of the Mining Regulations, an application for the alteration of mining areas jointly signed by them shall be made. The application should be accompanied by drawings of the combined areas, as they exist at the time of making such application, illustrating the altered boundaries; also drawings of each of the corrected mining areas separately prepared.

Art. XVII.—When an application for the reduction of a mining area is made in case where there is a creditor holding a right of mortgage over the mining right of the area, the application must be accompanied by the written consent of such creditor.

Art. XVIII.—Applications for transfer of mining licenses, applications for correction of mining areas, applications for amalgamation of mining areas, applications for partition of mining areas, applications for registration of mortgages over mining rights, reports re relinquishment of mining business, and applications for granting privileges for mining in accordance with the provisions of Art. XC. of the Mining Regulations, shall be accompanied by a certificate of the mining license or by a deed of lease in respect of lands.

Art. XIX.—Applications for prospecting, applications for mining, applications for correction of prospecting areas, applications for correction of mining areas, applications for extension of the term of prospecting, and reports of the relinquishment of prospecting or mining shall be forwarded through the registered cover.

Persons who send in the above said documents should obtain from the despatching post office a receipt showing the date and time of acceptance by such post office.

When drawings of prospecting areas or mining areas which are not sent in simultaneously with the application in accordance with the provisions of Art. III. of these regulations or Par. 2 of Art. XII. of the Mining Regulations, or applications or drawings accompanying them, which are ordered by the Chief of the Office for the Control of Mine having jurisdiction in accordance with Art. XXII. or XXIII. to make correction or additions within a specified time are to be produced, the procedure provided in the last 2 paragraphs shall be followed. Provided that if they are produced on the last day of the term the receipt of registered post shall be sent in within three days.

*(To be continued.)*

The Japan Daily Herald.

FRIDAY, AUGUST 30TH, 1901.

# BYE LAWS FOR ENFORCEMENT OF THE MINING REGULATIONS.

TRANSLATED BY J. E. DE BECKER.

Issued on the 1st day of the 2nd month of the 32nd year of Meiji (1899), by Notification No. 3, of the Department of Agriculture and Commerce.

*(Continued from yesterday.)*

Art. XX.—The date and time of application for prospecting or mining, correction of prospecting areas, correction of mining areas, as well as application for extension of the term of prospecting, and the date and time of production of the application, drawings as well as report of relinquishment of business mentioned in Par. 3 of the foregoing article shall be decided in accordance with the date and time mentioned in the receipt for registered mail matter issue by the despatching Post Office.

In case the production of the receipt mentioned in Par. 2 of the foregoing article is ordered and if it is not forwarded on or before the specified day, it will be deemed that the documents or drawings were forwarded at the time of closing of the mail as shown on the post mark.

Art. XXI.—When the Chief of the Office for the Control of Mines has accepted an application for prospecting or mining, the gist of the application shall be notified to the local Governor within whose jurisdiction the land applied for lies.

The local Governor shall, if he holds some views as to the prospecting or mining of the land applied for, send a written opinion to the Chief of the Office for the Control of Mines having jurisdiction within fifty days of the receipt of the notice mentioned in the foregoing paragraph.

Art. XXII.—When applications, notes of request or drawings relating to mining are imperfect, the Chief of the Office for the Control of Mines having jurisdiction shall order the applicants to make corrections or additions within a specified period of time.

Art. XXIII.—When a part of prospecting or mining areas applied for must not be allowed to be used in mining enterprise according to the Mining Regulations, or conflicts with the prospecting or mining areas of other persons, the Chief of the Office for the Control of Mines having jurisdiction shall order the applicant to correct his application and drawing within a specified period of time. The same holds goods re the application for correction of prospecting or mining areas.

Art. XXIV.—The Chief of the Office for the Control of Mines having jurisdiction may, when it is deemed necessary for the purpose of confirming the fact of existence of minerals in land, for which ar application for mining has been made, cause the applicant to produce a certificate relating to the mineral bed or specimens of minerals within a specified period of time.

Art. XXV.—When the Chief of the Office for the Control of Mines deems it necessary to order the taking of precautionary measures for the sake of public welfare, he may cause the applicant for engaging in business, or miners to prepare and produce a specification of the projected work.

Art. XXVI.—When the applicants for engaging in mining or miners are ordered by the Chief of the Office for the Control of Mines having jurisdiction to produce documents or drawings relating to mining, they shall be sent in on or before the specified time.

Art. XXVII. — Documents, drawings or specimens forwarded to the Minister of Agriculture and Commerce or to the Chief of the Office for the Control of Mines shall not be returned if it be deemed necessary to retain them.

Art. XXVIII.—When applicants for engaging in mining business or miners are ordered by the Chief of the Office for the Control of Mines having jurisdiction to meet for the purpose of making investigations relating to the prospecting area, mining area and other mining matters, they shall meet on the specified day and give explanations as to matters under investigation. The date of meeting can not be changed except for valid reasons.

When issuing an order to appear, at least fifteen days preliminary notice shall be given except for valid reasons. When the date of meeting is determined, at least three days previous notice shall be given. If the applicants for engaging in mining business or miners can not attend in person, they shall send their representatives.

Art. XXIX.—When an application, note of request, or report relating to mining corresponds with any of the following items, none of them shall be accepted. In this case the reasons for it shall be clearly given:—

1. When not forwarded by registered post, violating the provisions of Par. I of Art. XIX.

2. When the note of delivery of registration tax or fees is not annexed.

3. When application for prospecting or mining application for correction of prospecting area, or application for correction of mining area is not accompanied by drawings, or the extent of land applied for is not clearly shown in the annexed drawings.

Art, XXX.—When application or note of demand relating to mining corresponds with any of the following items, the Chief of the Office for the Control of Mines having jurisdiction shall return the document clearly stating the reasons for his action:—

1. When drawings of prospecting areas are not delivered within the time specified in Art. III.

2. When no corrections or additions are made on or before the time specified by the Chief of the Office for the Control of Mines having jurisdiction in accordance with the provisions of Art. XXII. or XXIII.

3. When a certificate or specimens are not delivered on or before the time specified by the Chief of the Office for the Control of Mines having jurisdiction in accordance with the provisions of Art. XXIV.

4. When an applicant does not deliver specifications on or before the time specified by the Chief of the Office for the Control of Mines having jurisdiction in accordance with the provisions of Art. XXV.

5. When, without valid reasons, an applicant does not appear, thus violating the provisions of Art. XXVIII.

6. In the case of making investigations as to the land applied for, if the applicant is unable to clearly indicate the extent of land, or if the extent of the land indicated considerably differs from the drawing attached to the application, or if he is unable to prove the existence of minerals.

Art. XXXI.—When permission for prospecting is given, the number of permit will be marked on the drawing of the prospecting area, and such drawing together with the copy of the same retained by the Office for the Control of Mines having jurisdiction shall be sealed so as to leave the impression of half the seal on each drawing, and then handed to the applicant.

When a mining grant is given, the number of the same shall be marked on the drawing of the mining area, and it, together with a certificate, duly delivered to the applicant after sealing such drawing and the copies to be retained by the Department of Agriculture and Commerce and the Office for the Control of Mines having jurisdiction so as to leave the impression of half the seal on each drawing.

Art. XXXIV.—Reports relating to the appointment of representatives provided for in Art. VI of the Mining Regulations must be made within thirty days of granting permission for prospecting or mining, or transfer of mining certificate.

Art. XXXV.—When miners do not make a report as to the appointment of representatives within the time specified in the foregoing article, the representatives of applicants specified in Par. I of Art. XII. shall be deemed the representatives specified in Art. VI. of the Mining Regulations.

Art. XXXVI.—When a miner does not superintend the mining operations in person, an agent for the business must be selected and a report to that effect jointly signed and sealed by the miner and his agent shall be forwarded to the Chief of the Office for the Control of Mines having jurisdiction.

Art. XXXVII.—A miner's representative shall be deemed to have been entrusted with the following powers, provided that in case the miner has limited the power of attorney a report to that effect shall be made simultaneously with the report of the appointment:—

1. To apply for the extension of the term of prospecting; to apply for permission to sell minerals obtained during prospecting; to make payment of the money mentioned in Par. 1 of Art. XI. of the Mining Regulations; to apply for permission for a scheme of mining business; to produce a drawing of actual survey of the interior of mines or to demand the certification re the same; to make reports mentioned in Art. XXXIX. of the Mining Regulations; to prepare books in accordance with Art. XL. of the same Regulations; to demand the decision or judgment mentioned in Art. LV. of the same Regulations; to apply for official approval in respect to the Mine Labourer's Service Regulations and the Regulations for the relief of Mine Labourers; to prepare a Register of Mine Labourers; to pay Mining Taxes and Taxes on Mining Areas; and to apply for privileges for mining in accordance with Art. XC. of the Mining Regulations.

2. To apply for the re-issue of drawings in accordance with the provisions of Art. XXXIII; to make reports mentioned in Art. XLII. and XLIII; to make applications or reports mentioned in Art. XIV., XVII., XIX., and XXI. of the Police Regulations relating to Mines.

3. To receive the orders or notices of the Chiefs of the Offices for the Control of Mines having jurisdiction and to carry out the former.

Art. XXXVIII.—Prospectors shall keep the drawings of their prospecting areas, and miners the following documents and drawings at their mine offices:—

1. Map of the mining area.
2. Plan of the mining scheme.
3. Books mentioned in Art. XL. of the Mining Regulations.

Art. XXXIX.—Application for the extension of the term of prospecting shall be made before the expiration of the original terms, and the result of prospecting and the reasons why it is impossible to complete prospecting within the limits of such original term shall be minutely stated.

Art. XL.—Persons wishing to sell minerals in accordance with the provisions of Art. X. of the Mining Regulations shall make an application for permission in which shall be stated the number of permit for prospecting, the name of the prospecting district, and a description, quantity and estimated price of the minerals. Provided that when the application for mining at the prospecting area is made, no permission will be given, unless the term of prospecting has expired or the prospecting abandoned.

Art. XLI.—Projects for carrying on mining reports mentioned in Art. XXXIX. of the Mining Regulations and the books provided for in Art. XL. of the same regulations shall be prepared in accordance with forms Nos. 4 to 6.

In case work is to be jointly carried on in two or more mining areas, the documents mentioned in the foregoing paragraph shall be jointly drawn up.

Art. XLII.—When there is nothing to be reported in accordance with the provisions of Art. XXXIX. of the Mining Regulations, a report to that effect shall be made.

Art. XLIII.—Reports referred to in Art. XXXIX. of the Mining Regulations shall, in the case of relinquishing mining or of transferring the right of mining, be made within thirty days of such relinquishment or transfer, provided that when there is nothing to be reported, a report to that effect shall be made.

*(To be continued.)*

The Japan Daily Herald.

SATURDAY, AUGUST 31ST, 1901.

# BYE-LAWS FOR ENFORCEMENT OF THE MINING REGULATIONS.

TRANSLATED BY J. E. DE BECKER.

Issued on the 1st day of the 2nd month of the 32nd year of Meiji (1899), by Notification No. 3, of the Department of Agriculture and Commerce.

*(Concluded from yesterday.)*

Art. XLIV.—Drawings of actual survey of the interior of mines shall be prepared in accordance with Model No. 3, showing the actual condition at the end of June and December and sent in to the Chief of the Office for the Control of Mines having jurisdiction at the end of August and February respectively, provided that the drawing of actual survey of the interior of mines sent in in the previous term will be returned to the miner, if required and demanded by him.

In case of a project for combined work, the drawings of actual survey of the interior of the mines shall be prepared in joint form.

Art. XLV.—Persons wishing to obtain a certificate re the drawing of actual survey of the interior of mines in accordance with the provisions of Par. 3 in Art. XXXI. of the Mining Regulations, shall send in a note of demand stating reasons.

Art. XLVI.—Persons wishing to demand a decision of the Chief of an Office for the Control of Mines in accordance with the provisions of Art. XXXV. of the Mining Regulations shall draw up two copies of the note of demand which shall be handed in accompanied by a drawing of the prospecting or mining area to be applied for by the person making the demand. The note of demand should give the name and address of the adversary and reasons for making such demand.

Persons demanding a decision of the Chief of the Office for the Control of Mines in accordance with the provisions of Par. 1 Art. LV. of the Mining Regulations, shall draw up and send in a written demand together with as many copies of the same as may tally with the number of persons concerned. These papers shall be sent in accompanied by a drawing of the actual survey of the land concerned and a specification of the work. In the note of demand should be mentioned the class and number of the land in question, superficial area, taxable value, the names and address of the adversary, facts of and reason for demand, facts relating to discussion with the adversary and the amount of money offered as payment by the person making the demand.

Persons demanding a judgment of the Minister of Agriculture and Commerce in accordance with the provisions of Art. XXXVI. or of Par. 2 of Art LV. of the Mining Regulations, shall send in to the Chief of the Office for the Control of Mines having jurisdiction a note of demand prepared in accordance with the provisions of the two foregoing paragraphs together with a copy of the decision appealed against.

Art. XLVII.—When the Chief of the Office for the Control of Mines has received and accepted a note of demand as mentioned in the foregoing article, he shall serve the same on the adversary.

When the adversary has received the note of demand, he shall furnish written explanations within thirty days.

When the written explanations are not furnished by the adversary within the term specified in the foregoing paragraph, the Chief of the Office for the Control of Mines or the Minister of Agriculture and Commerce may give a decision or judgment without waiting for the production of such written explanations.

Art. XLVIII.—When a person has become a miner by succession (inheritance) or when a miner has changed his name, he shall obtain a certificate of the fact from the Registrar of Personal Status within thirty days of the date of making to such registrar a report of succession or change of name. He shall then send in the above mentioned certificate to the Chief of the Office for the Control of Mines having jurisdiction, accompanied by the mining grant or lease corrected.

When an applicant for mining dies or changes his name, a report to that effect shall be made in accordance with the foregoing paragraph *mutatis mutandis*.

Art. XLIX.—In the case of a company being an applicant for mining or a miner, when its corporate name is changed, its representative changed, its seat of business removed, or when liquidation takes place, a report to that effect shall be made to the Chief of the Office for the Control of Mines having jurisdiction within ten days.

Art. L.—In case it should be necessary to issue an order or notice to applicants for mining or miners, if the address of such applicants or miners is uncertain, the gist of the order or notice shall be advertised on the notice-board of the Office for the Control of Mines having jurisdiction for ten days. In this case it shall be considered that the order or notice has been duly received by the persons in question on the last day of the said term.

Art. LI.—When an action is brought before the Court of Administrative Litigation in accordance with the provisions of Art. XXX., Par. 2 of Art. XXXIII., Par. 2 of Art. XXXIV., Par. 2 of Art. XLIII. or Art. LXXVI. of the Mining Regulations or a complaint is lodged with the Minister of Agriculture and Commerce in accordance with the provisions of Par. 1 of Art. XXXIV. of the same Regulations, a report to that effect shall be made to the Chief of the Office for the Control of Mines having jurisdiction, within seven days.

Art. LII.—In case the privilege for mining is in accordance with the provisions of Art. XXVIII., XXIX., Par. 1 of Art. XLIII or Art. LXXVI., of the Mining Regulations, or a report of relinquishment of business is made in accordance with the provisions of Art. XXXVII of the same Regulations, right of mortgage over the mining right concerned, a notice of the cancellation or relinquishment shall be made to them by the Chief of the Office for the Control of Mines having jurisdiction.

Art. LIII.—Prospecting or mining is considered to have been relinquished at the time when a report to that effect is lodged.

Art. LIV.—In any of the following cases miners shall be punished by a fine of not less than two and not exceeding twenty yen :—

1. When matters to be mentioned in the drawing of actual survey of the interior of mines are not given or improperly given.

2. In case of an order being given to produce the documents or drawings in accordance with the provisions of Art. XXV. or XXVI., if they are not produced on or before the specified date.

3 When no appearance is made or no explanation of matters under investigation is given in violation of the provisions of Art. XXVIII.

4. When no reports are made violating the provisions of Arts. XXXVI., XLII., XLIII., XLVIII., XLIX., LI. and LX. of these Regulations or of Art. XXXIX. of the Mining Regulations.

Art. LV.—Provisions of the foregoing article shall be applied to an agent for mining business and to representatives of companies.

SUPPLEMENTARY RULES.

Art. LVI.—Applications for prospecting or for the lease of mining areas which have been lodged before the coming into force of these Regulations, but with regard to which no final steps have been taken prior to the enforcement of the present Law, shall be dealt with as if they were applications for prospecting or for mining made in accordance with the provisions of the Mining Regulations.

Art. LVII.—Applications or notes of demand which have been lodged before the coming into force of the Bye-Laws for the Operation of the Mining Regulations, but with regard to which no final steps have been taken before the coming into operation of these Regulations shall be dealt with as if they were applications or notes of demand made in accordance with the present Law.

Art. LVIII.—Applications or notes of demand lodged before the coming into force of these regulations, which bear revenue stamps corresponding to the fees specified in Imperial Ordinance No. 100 (1894) shall remain valid even after the taking effect of Imperial Ordinance No. 4 of the 32nd Year of Meiji (1899).

Art. LIX.—Applications for the alteration of the area of land lodged prior to the coming into force of these regulations shall remain valid even after the taking effect of these regulations.

Art. LX.—When an applicant for mining or a miner is a company at the time of the coming into operation of these regulations, the Chief of the Office for the Control of Mines having jurisdiction shall be notified as to the representative of such company within thirty days from the date of the enforcement of the present Law.

Art. LXI.—The penal provisions of Notification No. 6 of the Department of Agriculture and Commerce issued in the 27th year of Meiji (1894) shall be applicable to acts done prior to the coming into force of these regulations even subsequent to the enforcement of the latter.

Art. LXII.—These Regulations shall take effect on and after the tenth of February, the thirty-second year of Meiji (1899).

Art. LXIII.—Notification No. 6 of the Department of Agriculture and Commerce of the 27th year of Meiji (1894) and Notification No. 7 of the same Department of the 29th year of Meiji (1896) shall be abolished on and from the date of operation of these Regulations.

DIPLOMATIC,
OCT 4 1901
BUREAU

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.581. September 4, 1901.

DIPLOMATIC BUREAU
Ack. by Number and File.

DIPLOMATIC BUREAU
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2ND ASST SECRETARY

Mr. Buck

to the Secretary of State.

Subject:- Acknowledging instruction to thank Japanese Government for courtesies at Perry Monument unveiling.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.581. September 4, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of instruction, No.358, of the 30th of July last, to express to the Japanese Government cordial appreciation and thanks for the unusual courtesies shown by Japanese officials and subjects to the Squadron of United States Ships present during the ceremonies attending the unveiling of the Perry Monument. I have today complied with the instruction as directed.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rock

UNITED STATES LEGATION,
TOKIO, JAPAN.

DIPLOMATIC,
OCT 15 1901
BUREAU

September 9, 1901.

No. ~.

RECD. OCT. 12 1901 DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:- Good Roads Congress at Buffalo.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. ~ .

September 9, 1901.

To the Honorable John Hay,

Secretary of State,

Washington..

Sir:

I have the honor to acknowledge the receipt of the Department's Circular Instruction of date the 8th ultimo, to which was appended a copy of a call issued by the National Good Roads Association of the United States for an International Good Roads Congress, to be held at the city of Buffalo, New York, from September 16 to 21, 1901, which invites delegates from foreign countries to participate.

Owing to the fact of the Department's Instruction being received at this Legation on September 4th, and of the impossibility of delegates reaching the Congress in time, Japan will be unable to send representatives.

I have the honor to be,

Sir,

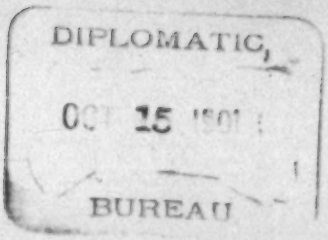
Your obedient servant,

W. W. Buck

**UNITED STATES LEGATION,**
**TOKIO, JAPAN.**

No. --




September 14, 1901.

Mr. Buck

to the Secretary of State.

Subject:

Mr. Buck returns from Lake Chusenji.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. --

September 14, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Referring to my unnumbered dispatch of July 22nd last, stating that on the following day I should take my family to Lake Chusenji, to temporarily reside there for a short time, I have the honor to report that on yesterday, the 13th instant, I returned to remain at the Legation.

I have had occasion to be in Tokio a considerable portion of the time to attend to official business.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

DIPLOMATIC BUREAU.

Ack + file.

DEPT OF STATE OCT 9 1901 2ND ASST SECRETARY

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 582

September 16, 1901.

Confidential.

DIPLOMATIC BUREAU RECEIVED OCT 9 1901 DEPT. OF STATE

To the President, Oct. 9. Personally. a.a.a.

Ack Oct. 15

Mr. Buck

to the Secretary of State.

Subject:

Marquis Ito's visit to the United States.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 582 September 16, 1901.

Confidential .

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to report that Marquis Ito is about to visit the United States. He will take passage on the steamship "Kago Maru" which is to sail from Yokohama on the 18th instant.

The Marquis called upon me yesterday and informed me of his proposed visit, but did not disclose his objects in making it further than that it was for the benefit of his health.

From what I have gathered from various sources it seems to be the desire of the Japanese Government that the United States and some other Powers cooperate with Japan in securing a peaceful and satisfactory solution of all irritating questions concerning Manchuria, and that this desire,-- I might say hope --, so far as it relates to the United States, seems to be based on the commercial interests of the two countries in that province being the same. Considering this desire of the Japanese Government I think it not improbable that the Marquis' visit is, in part at least, to sound the United States Government upon that subject.

It is quite evident that Japan desires to avoid a collision with Russia over differences about Manchuria and Korea and will do all that may be practicable to prevent it. Hence in t the interests of peace and commerce in the Far East, it seems that she desires that certain Powers will unite upon some gener-

al

al policy that the possibility of a conflict at arms concerning the status of any portion of the Chinese Empire may be removed and the integrity of the Empire maintained.

I have the honor to be,

Sir,

Your obedient servant,

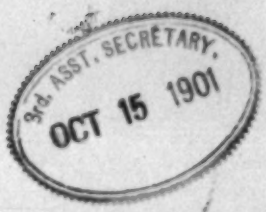
A. E. Buck

Dep Bureau

UNITED STATES LEGATION,
TOKIO, JAPAN.

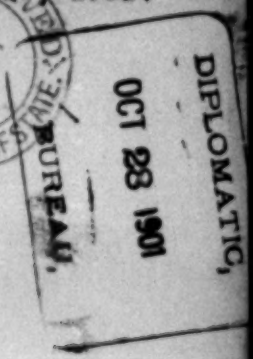
No. 583. September 17, 1901.










✓ Ack Oct 18, 1901

Mr. Buck

to the Secretary of State.

Subject:- Purchace of new safe and annual contingent expenses.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 583. September 17, 1901.

Arrd.
Oct. 18/01

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to acknowledge the receipt of the Departments instruction No. 360, of August 6, 1901, on the subject of the purchase of a fire-proof safe for the office of the Legation out of my contingent fund.

The unexpended balance to June 30 last of $397.15, referred to in my No. 569 of July 5th, is made up, as shown by my accounts, of a balance of $162.03, carried forward from the fiscal year 1899-1900, plus a balance of $235.12 brought forward from the fiscal year 1900-1901. These balances are based on the supposition that the increase of $250.- to the contingent fund authorized by the Department's instruction No. 116 of May 11, 1898, was to be regarded as a permanent addition to the annual allowance,- an impression which has been confirmed by the approval, quarter by quarter, by the Department of State of my accounts rendered on that basis for the fiscal years 1899 and 1900, inclusive, and by the formal settlement by the Treasury Department of my accounts for the fiscal year ending June 30, 1900, as by the statement of the Auditor of date January 21, 1901.

The unexpended balances referred to above were carried forward from the one fiscal year to another following the uniform practice of accounting for such balances by this Legation during more than a dozen years past, and in pursuance of a statement from the Auditor of the Treasury Department, under date of January 30, 1900, directing me to carry forward a balance of $23.01 due me at the end of the fiscal year 1897-1898 which had been dropped from my accounts because of my interpretation of

the law cited in your instruction under reply.

From the Department's instruction I gather that, for the last fiscal year at least, the annual allowance for the contingent expenses of this Legation was supposed to be $2000.- instead of $2,250,- as understood by me, and that I have unwittingly overdrawn that account. I am supprised, however, if that be the case, that I have not earlier received an intimation to that effect from the Department, or from the Auditor or from the London bankers. I note that I am in any case to cover the balance in hand into the Treasury by check to the order of the Secretary of State, which will be done; and that I am to draw upon the Secretary for the cost of the safe, supporting my draft by a seperate account and vouchers.

In this connection I have the honor to state that I have already drawn for the current quarter at the rate of $2,250, but that, unless I am otherwise instructed, I will confine myself to the annual appropriation of $2,000. I trust, however, that the Department will allow the $250. additional for this and succeeding years because of the increasing contingent expenses of the Legation.

I have the honor to be,

Sir,

Your obedient servant,

W. S. Buck

DIPLOMATIC BUREAU.

DEPT OF STATE OCT 14 1901 2ND ASST SECRETARY

Treasury. Oct.

UNITED STATES LEGATION, TOKIO.

DIPLOMATIC, OCT 15 1901 BUREAU

No. 584

September 20, 1901.

INDEX BUREAU RECD. OCT 12 1901 DEPT. OF STATE

Acknd and To Treas Oct. 16 C

Mr. Buck,

to the Secretary of State.

Subject:

Statistics relating to the effect of subsidies on the merchant marine of Japan.

UNITED STATES LEGATION,
TOKIO.

No. 584. September 20, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith for the information of the Department copy of a statement mailed by me to-day to Senator E. C. Littlefield, at his request, showing the effect of the subsidy laws in building up the merchant marine of Japan by means of statistics giving the total number, tonnage and mileage of the subsidized vessels, and the amount of subsidies paid each year since the operation of the encouragement laws.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure with Jap. Amb's No. 884 of Sept. 20, 1901.

# INFORMATION ABOUT JAPANESE VESSELS

Supplied by Mr. Asada,

Acting Director of the Ships Bureau of the

Department of Communications.

-----o-----

(1)

The date of the promulgation of the Law of the Subsidy to Navigation, (Law No. 15,) was March 23rd 1896, and that of the Law of the Subsidy to Ship-Building, (Law No. 16,) was March 23rd 1896.

(2)

The total number and tonnage of Japanese merchat vessels by years since 1890:--

| | Steam Ships | | Sailing Vessels | | Total | |
|---|---|---|---|---|---|---|
| | Number | Tonnage | Number | Tonnage | Number | Tonnage |
| 1890--- | 334 | 141,970 | 304 | 40,267 | 638 | 182,237 |
| 1891--- | 352 | 146,547 | 278 | 38,535 | 630 | 185,082 |
| 1892--- | 375 | 157,147 | 239 | 34,163 | 614 | 191,310 |
| 1893--- | 400 | 167,490 | 218 | 33,666 | 618 | 201,156 |
| 1894--- | 461 | 263,629 | 196 | 32,103 | 657 | 295,732 |
| 1895--- | 528 | 331,374 | 173 | 29,322 | 701 | 360,696 |
| 1896--- | 570 | 363,223 | 165 | 27,111 | 735 | 390,334 |
| 1897--- | 626 | 426,624 | 171 | 27,412 | 797 | 454,036 |
| 1898--- | 674 | 464,246 | 1,310 | 149,385 | 1,984 | 613,631 |
| 1899--- | 753 | 498,376 | 2,783 | 270,162 | 3,536 | 768,538 |
| 1900--- | 859 | 534,239 | 3,309 | 306,393 | 4,168 | 840,632 |

N.B. This table relates only to the vessels to which certificates of nationality have been given.

The reason for the sudden increase of sailing vessels since 1898 is that from that year vessels of Japanese style

that formerly did not require certificates of nationality had to obtain such certificates according to the revised law.

(3)

The total mileage of the Japanese merchant vessels is not investigated by the Bureau, and so it is not known.

(4)

The number and tonnage of the vessels obtaining certificates according to the Law for the Encouragement of Navigation:--

| | Number | Tonnage |
|---|---|---|
| 1896--- | 1 | 3,967 |
| 1897--- | 15 | 68,683 |
| 1898--- | 27 | 126,195 |
| 1899--- | 29 | 133,733 |
| 1900--- | 12 | 40,919 |

N.B. Since 1900 the European and American lines have not come under the Law for the Encouragement of Navigation, as they became Subsidied Routes (that is, subsidized by special contract with the Government) in that year. This is the reason for the decrease in the number of vessels in 1900.

(5)

The number and tonnage of the vessels constructed according to the Law for the Encouragement of Ship-Building:--

| | Number | Tonnage |
|---|---|---|
| 1897--- | 1 | 728 |
| 1898--- | 3 | 9,386 |
| 1899--- | 2 | 8,027 |
| 1900--- | 3 | 6,067 |

N.B. In 1896 there was no vessel that completed construction according to the Law for the Encouragement of Ship-Building.

(6)

The total mileage of Subsidized vessels:--

| | |
|---|---|
| 1897--- | 254,030 miles |
| 1898--- | 778,182 " |
| 1899--- | 1,176,779 " |
| 1900--- | 507,549 " |

N.B. The Law for the Encouragement of Navigation was put into force in October 1896, but no vessel received a subsidy in that year.

The reason for the decrease of mileage in 1900 is that from that year the European and American lines became subsidized routes, and no assistance from the Fund for the Encouragement of Navigation was given to them.

(7)

The amount of subsidies to navigation and Ship-building:

| | Navigation. | Ship-Building. |
|---|---|---|
| 1897--- | 708,384 Yen | 13,109 Yen |
| 1898--- | 2,580,802 " | 213,875 " |
| 1899--- | 3,957,315 " | 187,780 " |
| 1900--- | 1,188,761 " | 152,930 " |

N.B. The Law for the Encouragement of Navigation was put into force in October 1896, but no vessel received a subsidy in that year.

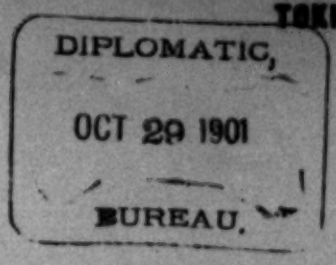
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ouragement of Navigation was given to them since then.

UNITED STATES LEGATION,
TOKIO.

No. ~ .




September 28, 1901.




DIPLOMATIC BUREAU.

Ask, saying some thing nice about Mr. Komura and the agreeable remembrance of his official sojourn in Washington.

aag

Answd Nov. 1 C.

Mr. Buck

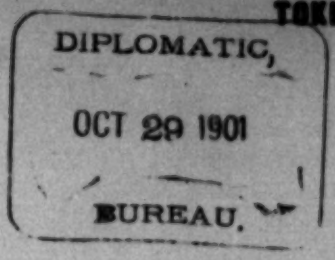
to the Secretary of State.

Subject:- The appointment of Mr. Komura, Minister for Foreign Affairs.

UNITED STATES LEGATION,
TOKIO.

No. ~ .




September 28, 1901.




DIPLOMATIC BUREAU

Ask. saying something nice about Mr. Komura and the agreeable remembrance of his official sojourn in Washington.

aag

Answd Nov. 1 c.

Mr. Buck

to the Secretary of State.

Subject:- The appointment of Mr. Komura, Minister for Foreign Affairs.

UNITED STATES LEGATION,
TOKIO.

No. ~ .

September 28, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that Mr. Kumura, once Japanese Minister at Washington, having returned from his post in China, has been appointed, (on the 21st instant) Minister for Foreign Affairs, to succeed Mr. Sone, who has been acting Minister for Foreign Affairs ad interim, in addition to his duties as Minister for Finance, which later post he still holds.

I have the honor to be,

Sir,

Your obedient servant,

W. E. Buck

No.586.

UNITED STATES LEGATION,
TOKIO.

DIPLOMATIC BUREAU. 1901

September 30,1901.

REC'D. OCT. 28 1901 DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:- Memorial Service for President McKinley.

UNITED STATES LEGATION,
TOKIO.

No. 565. September 30, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to report that, receiving on Tuesday night the 17th instant the Department's telegram respecting the funeral of the President to take place on the 19th instant, there was not sufficient time in which to arrange for suitable Memorial Service on that day. In order to have a service of such character as would be creditable to the Legation and such as the occasion required and to meet the expectations of the Japanese Government, the Diplomatic Corps, and the American Citizens of Tokio and Yokohama, Thursday the 26th instant was fixed upon for the service, to be held in the Episcopal Cathedral.

As upon the deaths of President ~~Faure~~ Carnot of France, King Humbert of Italy and Queen Victoria, inposing Official Memorial Services were held, so our service partook of a somewhat similar character. The Emperor was represented by Prince Kanin of the Imperial Family. There were present the Diplomatic Corps, all the members of the Japanese Cabinet, high officials of the Japanese Army and Navy, and the prominent officials and subjects of the Empire, as also many people of various nationalities besides Americans. The arrangement and character of the service were creditable and satisfactory,-not wanting in any of their appointments. I enclose cutting from the Japan Mail of the 27 instant giving a short account of the Memorial Service.

It will be of intrest, perhaps, and of some gratification to know that on receipt of the information of the President's death, His Majesty, the Emperor, sent to the Legation a high offical

of

of his household to express his condolence and the deep sympathy of His Majesty in the hour of the great clamity to our Country and the sorrow of our people. His Imperial Highness the Crown Prince sent his Grand Master to convey his sentiments of profound sympathy also. All the high officials of the Government, Officers of the Army and Navy, Governors of several Provences, Mayors of Tokio, Yokohama and other cities, Members of the Diplomatic Corps and a great many others, either called in person, or telegraphed or wrote to convey words of condolence and sympathy. "The Union of the Chambers of Commerce"of the Empire, at a meeting at Niigata on the date of the President's death becomming known, passed resolutions of condolence and deputed a committee which came to Tokio and formally presented the resolution, with many strong expressions of their individual sympathy. All the newspapers of the Empire, Japanese and others, have alike expressed great sorrow for the death of the President and have voiced the sentiments of the people in expressions of eulogy upon his public services and private character.

I have the honor to be,

Sir,

Your obedient servant,



Enclosure:- Cutting from Japan Mail of September 27, 1901.

with Mr. Buck's No. 586 of September 30, 1901.

The Japan Daily Mail.

YOKOHAMA, FRIDAY, SEPTEMBER 27, 1901.

## SERVICE IN MEMORY OF THE PRESIDENT.

On the 26th instant at 11 a.m. there was held in Holy Trinity Cathedral, Tsukiji, Tokyo, a service in memory of the late President McKinley. The Cathedral was filled to overflowing, but as care had been taken that the admissions should not exceed the seating capacity of the building, there was no inconvenient crowding. The arrangements, indeed, were excellent in all respects, every detail of the ceremony having evidently been thought out beforehand and fully provided for. The Emperor and Empress were represented by Their Imperial Highnesses Prince and Princess Kanin, who, arriving punctually, were conducted to their places by His Excellency the American Minister and Mrs. Buck. Their Imperial Highnesses had been preceded by all the Cabinet Ministers, the Foreign Chefs de Mission and the staffs of the various Legations, and by a majority of the most prominent noblemen and officials in the capital, so that a considerable space on both sides of the Cathedral was filled with these distinguished personages. The chancel, draped in black and white, had sparse decoration of white flowers; drawn up on either wing under festoons of the Stars and Stripes stood lines of American Marines and Blue Jackets, and a large Japanese military guard of honour was marshalled outside. At a few minutes past eleven the clergymen and choristers moved up the aisle, headed by Bishop Awdry, and the service commenced with the singing of "Rock of Ages." This hymn and subsequently "Nearer my God, to Thee" were finely rendered, a large number of the congregation taking part, so that the volume of sound attained impressive dimensions. The Reverend William Imbrie delivered the Memorial Address, which will appear in our next issue; a beautiful and stirring homily, listened to by the large congregation with evident admiration. Among the special prayers offered up at the close of the service was one for the assassin and his fellow-thinkers:—

Almighty God, whose blessed Son Jesus Christ did pray for His murderers, Father forgive them, and did accept the conversion of a sinner upon the Cross: Look down with compassion on him whose evil deed hath this day brought us to sorrow. Grant unto him, and to all his associates and accomplices, the spirit of true contrition and repentance; and do thou destroy all the works of the Devil, through Jesus Christ Our Lord.—*Amen.*

The conception of this petition was worthy of Christianity. Prayers were also said for "the widow and kinsmen of him whom we mourn," and for "Theodore Roosevelt, President of the United States, and all others in authority." Bishop Awdry pronounced the blessing at a few minutes past twelve o'clock, the service having lasted a little more than an hour, and having been a significant evidence of the sympathy felt by all nations with America in her sorrow.

UNITED STATES LEGATION,
TOKIO.

No. 586.

September 30, 1901.

INDEX BUREAU
REC'D.
OCT.
28
1901
DEPT. OF STATE

DIPLOMATIC,
OCT 30 1901
BUREAU.

ASSISTANT SECRETARY,
Ack. and file.
OCT 29 1901

Mr. Buck
Nov. 4
C.

Mr. Buck

to the Secretary of State.

Subject:

Chinese Envoy of Apology for Boxer outrages.

UNITED STATES LEGATION,
TOKIO.

No. 586. September 30, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to report that Mr. Na Tung, Special Envoy of the Emperor of China to apologize for the murder by Chinese soldiers during the Boxer troubles last year of Mr. Sugiyama, Chancellor of the Japanese Legation at Peking, arrived in Tokio accompanied by a retinue of some twenty persons on the 5th instant.

On the 13th the Envoy, with his suite in attendance, was received in audience by the Emperor of Japan, and discharged his mission of apology.

I have the honor to enclose herewith a clipping from the Japan Times of the 14th, containing correct translations of the Chinese Emperor's letter of apology; of the Envoy's address in presenting his Sovereign's letter to the Emperor of Japan; and of the Japanese Emperor's reply.

The Japanese Court bestowed upon Mr. Na the First Class Order of the Rising Sun, and upon the members of his suite various lower orders.

During his sojourn in Tokio Mr. Na has been entertained on several occasions by bankers, business men, and others; and, in general, his reception seems to indicate the hope that his visit may have the effect of improving the commercial and political relations between Japan and China.

The Envoy is to depart on his return to China on the 2nd proximo.

I have the honor to be,
Sir,
Your obedient servant,

W. W. Rockhill

Enclosure:—Duplicate clippings, as above.

Inclosure with Mr. Buck's No 581 of September 30, 1901.

The Japan Times.

TOKYO, SATURDAY, SEPT. 14TH, 1901.

## THE CEREMONY OF APOLOGY IN THE COURT.

H.E. Na Tung, Chinese Envoy of Apology, proceeded to the Imperial Palace yesterday morning, in a carriage specially brought round by Mr. Ouchi, Master of Ceremonies. In the Palace he was met by Mr. Sone, Foreign Minister, and Baron Sannomiya, Grand Master of Ceremonies, and was led by the latter into the Phœnix Hall where at 10.30 H.M. the Emperor gave him an audience, and received the Chinese Emperor's letter of apology brought by the Envoy and whose content is given below. Mr. Na Tung's suite was allowed to attend the audience. When the ceremonies in connection with the audience were finished, the Chinese gentlemen were entertained to tiffin in the Bamboo Hall. We give below a copy of the official translation of the Envoy's representation of his mission, the letter from the Emperor of China, and the reply of our Emperor.

### ADDRESS OF HIS EXCELLENCY NA TUNG, ENVOY ON A SPECIAL MISSION FROM HIS MAJESTY THE EMPEROR OF CHINA.

"Your Imperial Majesty in graciously permitting me to approach Your Majesty in the discharge of a mission confided to me by His Majesty the Emperor of China, my August Sovereign, has conferred upon me a high honour which I esteem all the more because of my personal knowledge of the magnificent results of Your Majesty's enlightened rule, which are becoming more and more conspicuous day by day.

The reciprocal relations between Japan and China, situated alike in Asia, have been marked by the utmost cordiality. Unfortunately, however, when a disturbance suddenly broke out in China in the summer of last year, Sugiyama Akira, the chancellor of Your Majesty's Legation met a violent death. My August Sovereign deeply regretting the occurrence has sent me to Your Majesty's Court in the capacity of His Special Envoy to present His Letter, and has charged me to convey to Your Majesty an expression of His profound grief. At the same time I have been commanded by His Majesty the Emperor to accord honourable reparation to the memory of Sugiyama Akira by performing religious ceremonies before his tomb and by transmitting to the proper recipient an offering from my Imperial Master.

It only remains for me to express the hope, in the interest of the two Empires, that Your Majesty, favourably moved by the sense of geographical propinquity, may be pleased to foster the relations of good friendship which unite the two countries and to promote the common welfare of Eastern Asia through an undisturbed maintenance of the general situation.

In conclusion I have the honour to present to Your Majesty my humble wishes for Your Majesty's health and the prosperity of the Empire of Japan."

### LETTER FROM THE EMPEROR OF CHINA.

"The Emperor of China to His Majesty the Emperor of Japan, Greeting!

Great and illustrious Sovereign!

The relations of mutual confidence and cordial friendship between China and Japan,—the two countries situated alike in Asia in close geographical proximity to each other,—have happily been fostered and strengthened ever since the practice was inaugurated of reciprocally sending envoys from one empire to the other in permanent resident missions. Unfortunately, however, when the Capital of Our country was suddenly infested by the Boxer insurgents in the fifth moon of the last year, and in consequence when both the soldiery and civic population gave themselves up to uncontrolled fury and disorder, Sugiyama Akira, the Chancellor of Your Majesty's Legation in Peking, fell a victim to their lawlessness and lost his life. The Chancellor coming to China, as he did, in the suite of Your Majesty's Minister was entitled to the highest protection from Us. The disturbance, however, broke out so suddenly and so unexpectedly that his grievous death could not be averted. We are conscious that the immeasurably deplorable end, which befell an official of a friendly Power, and the consequent interruption of cordial relations between the two countries are the results of Our failings, in that We were unable to prevent in time the critical turn of events. We therefore feel the deepest regret, and We have accordingly caused Our Minister to perform religious rites for the memory of the lamented Chancellor and at the same time We have made offerings from Our private purse in honour of the deceased.

We have commanded Na Tung, a Vice-Minister for Finance of the first degree of rank (T'ou p'in ting tai), to proceed to Your Majesty's Empire and to present this Imperial Letter in the capacity of Our Envoy in Special Mission. The loyalty and fidelity of Na Tung are already well known to Us, and reposing full confidence in him We have specially charged him to execute his mission in the spirit of highest respect and reverence, and to make known Our feelings of profound regret, thus making honourable reparation for the death of Sugiyama.

When the forces, which were sent by Your Majesty on their distant expedition, arrived in Peking their first and paramount aim was to give peace and security to the inhabitants. In the negotiations for peace which followed, Your Majesty's beneficent influence was invariably felt in the adjustment of important questions. That the general situation in the Orient has so happily been preserved intact, is due to the just and impartial views which Your Majesty has maintained in the councils of nations. Your Majesty's fame as a just and humane Sovereign now extends far and wide; and deeply touched by Your Majesty's benevolent attitude We have commanded Our Envoy to present to Your Majesty in Our name Our sincere thanks. It only remains for Us to express Our earnest wish that Your Majesty setting aside the displeasure, which past events have occasioned, will be graciously disposed to draw closer and closer the bond of friendship which unite the two countries; that the existing sentiments of mutual goodwill may be fostered more and more as time progresses; that tranquillity may henceforth reign over the earth; and that the blessings of peace and prosperity may descend upon Our respective Empires.

The twentieth day of the sixth moon of the twenty-seventh year of Kwang Hsü."

Seal of the Emperor.

THE REPLY OF HIS MAJESTY THE EMPEROR.

"In the disturbance which occurred in Peking last year, Sugiyama Akira, the Chancellor of Our Legation, was made the victim of a cruel assassination, perpetrated by the soldiers of Your country.

His Majesty the Emperor of China, feeling profound regret at the incident, has been pleased to send you to Our Court on a special mission, with an Imperial Letter in acknowledgement of the reparation which is due to Us. In accepting the message which you have been charged to deliver to Us it behooves Us to express Our belief that the friendly relations between the two countries will in the future become closer and closer. It is Our earnest wish that the great work of reform, which depends on your Soverign, will soon be found in effective progress, and that the maintenance of permanent peace in Eastern Asia be thereby secured. In submitting to His Majesty the result of your mission you will not fail to state that We pray for His unbounded happiness and prosperity."

OCT 30 1901
BUREAU

No. 587.

LEGATION OF THE UNITED STATES,

Tokio, Japan, October 2, 1901.

INDEX BUREAU
REC'D.
OCT.
28
1901
DEPT. OF STATE

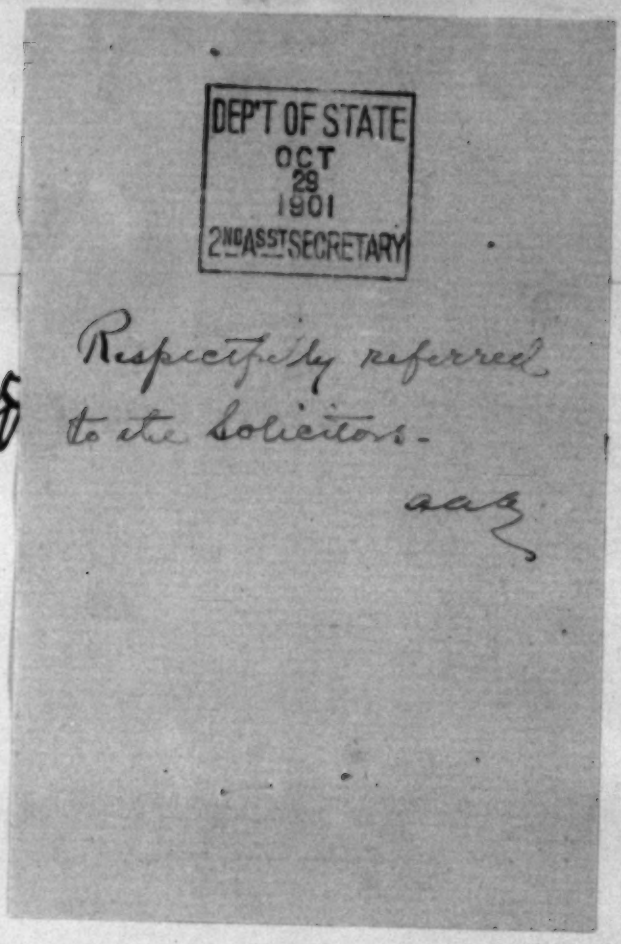
Ack'n Nov. 4 C.

Mr. Buck

to the Secretary of State.

Subject:

Settlement properties,—enclosing new Ordinance and Regulations in re perpetual leases, etc.




Respectfully referred
to the Solicitor.

aab

Dip. Bu.

SOLICITOR'S OFFICE
OCT 28 1901

Ack. & file

N. L. C.

UNITED STATES LEGATION,
TOKIO.

No. 587. October 2, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to inform you that an Imperial Ordinance regulating matters relating to rights of perpetual lease was promulgated on the 21st of last month.

This Ordinance was referred to in dispatch No.550 of April 1st as likely soon to appear, supplementary to the new law a translation of which accompanied that dispatch; but the issuance of the Ordinance and Regulations was delayed by a change of cabinet.

It will be observed that there is no pronouncement in the Ordinance or Regulations respecting the tax on buildings erected upon property held under leases in perpetuity; and it is supposed that the Japanese Government will continue to hold that the matter of such tax is not covered by treaty stipulations, and will continue to adhere to the law and regulations under which that tax is to be levied, notwithstanding the opposition made by Great Britain, Germany, and France.

I have the honor to enclose herewith a clipping from the Japan Mail of September 27th, which contains the law and a correct translation of the Ordinance and Regulations.

I have the honor to be,
Sir,
Your obedient servant,

W. E. Buck

Enclosure:

Duplicate clippings from the Japan Mail of September 27th, as above.

Enclosure with Mr. Buck's No 587 of October 2, 1901.

RIDAY, SEPTEMBER 27, 1901.

## PERPETUAL LEASES.

Regulations with reference to rights of perpetual ases having been issued, we give below transla- ons of the same, reproducing also for the sake clearness the Law as passed by the Diet in arch last:

AW RELATING TO RIGHTS OF PERPETUAL LEASES.

Art. I.—A right of perpetual lease created in favour foreigners or foreign juridical persons by a title ed of perpetual lease issued by the Government, all be a *jus in rem*, and the provisions of the Civil de relating to ownership shall be correspondingly plicable thereto.

A right of perpetual lease may be the object of her rights in accordance with the provisions of the vil Code.

The provisions of the two preceding paragraphs all not apply in cases otherwise regulated by the le-deed, treaties, laws or ordinances.

Art. II.—When a transfer or transmission of a ht of perpetual lease takes place such transfer or nsmission can not be set up against third parties nless the fact has been recorded on the title-deed by e local authorities within whose jurisdiction the land situated.

Art. III.—The registration tax shall not be imposed the registration of a right of perpetual lease itself r on the registration of rights having as their object right of perpetual lease.

Art. IV.—Special provisions may be enacted by perial Ordinance with reference to the registration a right of perpetual lease, or the registration of hts having as their object a right of perpetual se, or the registration of buildings erected on land ld under a perpetual lease.

SUPPLEMENTARY REGULATIONS.

Art. V.—This Law shall take effect from the day its promulgation.

Art. VI.—The provisions of Article 45 of the Law lating to the Operation of the Civil Code shall be olished from the day of operation of this Law.

Art. VII.—A right of perpetual lease or a right ving as its object a right of perpetual lease, which s been respectively registered, prior to the opera- n of this law, as a superficies, or as a right having its object a superficies, shall have the same lidity as a right of perpetual lease or as a right ving as its object a right of perpetual lease, duly gistered as such.

IMPERIAL ORDINANCE.

We hereby sanction the Regulations relating to hts of perpetual lease and order the same to be romulgated.

Imperial Sign Manual,
Great Seal.

September 20th, 34th year of *Meiji*.

Countersigned:

Baron UTSUMI TADAKATSU.
Minister of State for Home Affairs.

KIYOURA KEIGO,
Minister of State for Justice.

SONE ARASUKE,
Minister of State for Foreign Affairs.

IMPERIAL ORDINANCE No. 178.

Art. 1.—When an application for entry in the title-deed of a transfer or transmission of a right of perpetual lease or any notice relating to a right of perpetual lease has been received at the Local Government Office within whose jurisdiction the land leased in perpetuity is situated, notice thereof shall be given without delay to the Registry Office having jurisdiction over the locality in which the land is situated.

In giving notice (to the Registry Office) of a transfer or transmission of a perpetual lease, a copy of the title-deed shall be sent together with the notice; but when notice to be given relates to a right of perpetual lease in respect of which notice has already been given, it is not necessary that a copy of the title-deed should accompany the notice. In this case the designation of the land leased in perpetuity, the names, nationalities and domicile of the parties concerned, the cause of the transfer or transmission of the right, and its date should be given in the notice.

Art. 2.—For the land leased in perpetuity and the buildings erected thereon, special Registry Books shall be opened and kept at the respective Registry Offices.

Art. 3.—The Registry Books shall be of two kinds, one for land leased in perpetuity and the other for buildings erected on land leased in perpetuity.

Art. 4.—Each folio of the Registry Book for Land leased in perpetuity shall be divided into a registry number column, a caption space and five sections, marked A, B, C, D, E. The caption space shall contain a designation column and a designation number column. Each of the five sections shall contain a fact column and a rank number column.

In the registry number column shall be entered the order in which each piece of land leased in perpetuity has first been registered in the Registry Book.

In the designation column, land leased in perpetuity shall be designated, and alterations of the same shall be entered. In the designation number column shall be entered the order in which a matter registered in the designation column has been entered.

In the fact column of section A shall be entered matters relating to a right of perpetual lease.

In the fact column of section B shall be entered matters relating to superficies, emphyteusis, and other rights having these rights as their object.

In the fact column of section C shall be entered matters relating to servitudes.

In the fact column of section D shall be entered matters relating to preferential rights, pledges and mortgages.

In the fact column of section E shall be entered matters relating to leases.

In the rank number column shall be entered the order in which a matter registered in the fact column has been entered.

Art. 5.—Each folio of the Registry Book for Buildings erected on Land leased in Perpetuity shall be divided into a registry number column, a caption space and four sections marked A, B, C, D. The caption space shall contain a designation column and a designation number column. Each of the four sections shall contain a fact column and a rank number column.

In the registry number column shall be entered the order in which a building has first been registered in the Registry Book.

In the designation column the building and accessory building shall be designated, and alterations of the same shall be entered. In the designation number column shall be entered the order in which a matter registered in the designation column has been entered.

In the fact column of section A shall be entered matters relating to ownership.

In the fact column of section B shall be entered matters relating to servitudes.

In the fact column of section C shall be entered matters relating to preferential rights, pledges and mortgages.

In the fact column of section D shall be entered matters relating to leases.

In the rank number column shall be entered the order in which a matter registered in the fact column has been entered.

Art. 6.—When an application is made for the registration of a right having as its object a right of perpetual lease which has not been registered, the application must be accompanied by documents proving the right of perpetual lease.

Art. 7.—When a Registry Office has received a notice of the transfer or transmission of a right of perpetual lease, registration of such transfer or transmission shall be made *ex officio* by the Registry Office whether such right of perpetual lease has already been registered or has remained unregistered.

When, in case a Registry Office is notified of a receipt at the Local Government Office of a notice relating to a right of perpetual lease, the notice is of such a character as to necessitate alteration in the register, such alteration shall be registered *ex officio*.

When an application is made for the registration of a subsidiary right having as its object an unregistered right of perpetual lease, the right of perpetual lease itself must be registered *ex officio*.

Art. 8.—Registration made at a foreign Consulate in respect of land leased in perpetuity or buildings erected thereon before the date fixed in the Imperial Ordinance, No. 251 of the 32nd year of Meiji, shall have the same value as registration made under this Ordinance, in so far as the Registry Book or copy thereof has been delivered by the foreign Consulate to the Registry Office.

Art. 9.—In case registration is to be made after the

operation of this Ordinance in respect to an immovable which has been registered in accordance with Imperial Ordinance. No. 329 of the 32nd year of Meiji, the registration made in the old Registry Book shall be transferred to the Registry Book kept under this Ordinance in the following manner:

In the Registration Number Column of the folio of the new Registry Book shall be entered a new number following the order in which registrations are being made in the same Registry Book, and the registration number appearing in the old Registry Book shall be entered on the left side of the new number. In the designation column of the new Registry Book shall be entered the designation of the immovable appearing in the old Registry Book, and registration made in the old Registry Book shall be transferred to the rank number column and fact column of the corresponding section in the new Registry Book. The folio of the Registry Book, from which registration has thus been transferred, shall then be closed.

The provisions of the foregoing paragraph shall be correspondingly applicable to cases where registration is to be made after the operation of this Ordinance, in respect to an immovable which has been registered at a foreign Consulate.

Art. 10.—In making registration in accordance with the provisions of the preceding Article a right of perpetual lease shall be entered as a right of perpetual lease even though it has been registered under a different name.

Art. 11.—If in registering a subsidiary right having as its object either a right of perpetual lease or the ownership of buildings erected on a piece of land leased in perpetuity, the right to be registered does not correspond to the provisions of Article 4 or 5, it shall be registered in that section of the folio of the Registry Book in which rights most similar to it are to be registered.

Art. 12.—In respect to matters not provided for in this Ordinance the provisions of the Law of Registration of Immovables shall apply correspondingly.

SUPPLEMENTARY REGULATIONS.

Art. 13.—This Ordinance shall take effect from the day of its promulgation.

Art. 14.—Imperial Ordinance No. 329 of the 32nd year of *Meiji* (1899) is hereby repealed.

IMPERIAL ORDINANCE.

We hereby sanction the Regulations relating to cases of acquisition by Japanese subjects or Japanese juridical persons of rights of perpetual lease created in favour of foreigners or foreign juridical persons by title-deeds of perpetual lease issued by the Government, and order the same to be promulgated.

Imperial Sign Manual,
Great Seal.

September 20th, 34th year of *Meiji*.

Baron UTSUMI TADAKATSU,
Minister of State for Home Affairs.
KIYOURA KEIGO,
Minister of State for Justice.
SONE ARASUKE,
Minister of State for Foreign Affairs.

IMPERIAL ORDINANCE, No. 179.

Art. 1.—When a Japanese subject or a Japanese juridical person has acquired a right of perpetual lease created in favour of a foreigner or foreign juridical person by a title-deed of perpetual lease issued by the Government, the acquirer shall without delay present the title-deed of perpetual lease to the Local Government Office within whose jurisdiction the land is situated and ask for cancellation of the title-deed.

A Japanese subject or a Japanese juridical person for whom the title-deed of perpetual lease has been cancelled in accordance with the provisions of the preceding paragraph shall acquire the ownership of the land concerned.

Art. 2.—When a title-deed of perpetual lease has been cancelled for a Japanese subject or a Japanese juridical person in accordance with the first paragraph of the preceding Article the Local Government Office shall notify the fact to the Registry Office within whose jurisdiction the land is situated.

Art. 3.—If, in the case provided for in Article 1, there should be a third party having a right which has as its object a right of perpetual lease, that right of the third party shall continue to exist as a right having as its object the ownership of the land.

SUPPLEMENTARY REGULATIONS.

Art. 4.—This Ordinance shall take effect from the day of its promulgation.

Art. 5.—Imperial Ordinance No. 333 of the 32nd year of *Meiji* (1899) is hereby repealed.

Art. 6.—A right of perpetual lease created in favour of a foreigner or foreign juridical person by a title-deed of perpetual lease issued by the Government which has been acquired by a Japanese juridical person before the operation of this Ordinance, shall continue to exist as a right of perpetual lease except in cases where the right of ownership has been registered in respect of the land in question. This, however, shall not prevent the acquisition of ownership in accordance with Article 1.

DEPARTMENTAL ORDINANCE NO. 15 OF THE DEPARTMENT OF JUSTICE.

The undersigned Minister of State for Justice prescribes the following procedure in regard to the registration of land leased in perpetuity and of buildings erected thereon.

KIYOURA KEIGO,
Minister of State for Justice.

September 21st, 34th year of *Meiji*.

Art. 1.—In regard to the registration of land leased in perpetuity or of buildings erected thereon, the provisions of the Regulations for the Enforcement of the Law of Registration of Immovables shall correspondingly apply, unless otherwise provided for in this Ordinance.

Art. 2.—Registry Books for Land leased in Perpetuity and for Buildings erected on Land leased in Perpetuity shall be prepared in the Chiho Saibansho in the form respectively prescribed in Schedule A and Schedule B.

Art. 3.—Copies of the Registry Book of foreign Consulates and their translations shall be kept in the Registry Office.

Art. 4.—When a document accompanying an application for registration is written in a foreign language, the applicant shall supplement it with a Japanese translation.

Art. 5.—In transferring registrations made at foreign Consulates to the Registry Books their transcription shall be made in accordance with Japanese translations.

When a registration made at a foreign Consulate has been transferred to the Registry Book, the number of the volume and the folio of the Registry Books to which it has been transcribed, the registration number and the date, shall be recorded in the copy of the Registry Book of foreign Consulates and also in its translation, and the Registry Officer shall affix his seal.

Art. 6.—When the Local Government Office has notified the Registry Office of the cancellation of a title-deed of perpetual lease in accordance with Article 2 of Imperial Ordinance No. 179 of the 34th year of *Meiji*, the Registry Officer shall close the folio concerned in the Registry Book for Land leased in Perpetuity.

When, in the case provided for in the preceding paragraph, there are registrations of subsidiary rights having as their object a right of perpetual lease, the Registry Officer shall record in the designation column the fact that the title-deed has been cancelled. When registration of cancellation has been made in respect of all registrations relating to those subsidiary rights, or when registrations relating to subsidiary rights have been transferred to the ordinary Registry Book in making registration for the preservation of ownership, then the Registry Officer shall close the folio concerned in the Registry Book for land leased in perpetuity.

Art. 7.—When upon receipt of notice mentioned in the first paragraph of the preceding Article there are registrations relating to buildings erected on land leased in perpetuity the Registry Officer shall transfer those registrations to the ordinary Registry Book and shall close the folio concerned in the Register Book in which those registrations appeared.

SUPPLEMENTARY REGULATIONS.

Art. 8.—This Ordinance shall take effect from the day of its promulgation.

Art. 9.—Departmental Ordinance No. 41 of the Department of Justice, of the 32nd year of *Meiji*, prescribing procedure in regard to the registration of immovables which are the objects of rights of foreigners or foreign juridical persons, is hereby repealed.

SCHEDULE A.

This Registry Book contains .....folios.

.....
President of the.....
.....District Court.

Registry Book for Land leased in Perpetuity.

.....Local Court.

| Section A. Right of Perpetual Lease. | | No..... Caption Space. | Reg. N. Designation of land leased in perpetuity | |
|---|---|---|---|---|
| | R.N. | | | D.N. |
| | Fact Column. | | | Designation Column. |
| | R.N. | | | D.N. |
| | Fact Column. | | | Designation Column. |
| | R.N. | | | D.N. |
| | Fact Column. | | | Designation Column. |

Reg. N.—Registry Number Column.
D. N.—Designation Number Column.
R. N.—Rank Number Column.

*N.B.*—This Schedule also gives the forms for Sections *B* (Superficies and Emphyteusis, *C* (Servitudes), *D* (Preferential Rights, Pledges and Mortgages), and *E* (Leases) which are exactly the same as for Section *A*.

SCHEDULE B.

This Registry Book contains.....folios.

.....
President of the.....
.....District Court.

Registry Book for Buildings erected on Land leased in Perpetuity.

.....Local Court.

| Section A. (Ownership.) | | No..... Caption Space. | Reg. N. (Designation of Building.) | |
|---|---|---|---|---|
| | R.N. | | | D.N. |
| | Fact Column. | | | Designation Column. |
| | R.N. | | | D.N. |
| | Fact Column. | | | Designation Column. |
| | R.N. | | | D.N. |
| | Fact Column. | | | Designation Column. |

Reg. N.—Registry Number Column.
D. N.—Designation Number Column.
R. N.—Rank Number Column.

*N.B.*—This Schedule also gives the forms for Sections *B* (Servitudes) *C* (Preferential Rights, Pledges and Mortgages), and *D* (Leases) which are the same as for Section *A*.

DEPARTMENTAL ORDINANCE NO. 16, OF THE DEPARTMENT OF JUSTICE.

As regards the fees to be levied upon an application for a copy of or for an extract from the Registry Books for Land leased in Perpetuity or for Buildings erected thereon, or upon an inspection of the Registry Books or documents accessory thereto, the provisions of Departmental Ordinance No. 14, of the Department of Justice, of the 32nd year of *Meiji* (1899) shall correspondingly apply.

This Ordinance shall take effect from the day of its promulgation.

Departmental Ordinance No. 42, of the Department of Justice, of the 32nd year of *Meiji* (1899) is hereby repealed.

KIYOURA KEIGO.
Minister of State for Justice.

September 21st, the 34th year of *Meiji* (1901).

DEPARTMENTAL ORDINANCE NO. 17, OF THE DEPARTMENT OF JUSTICE.

The following Amendments are introduced into the Regulations relating to the enforcement of the Law of Registration of Immovables, issued as Departmental Ordinance No. 11, of the Department of Justice, of the 32nd year of Meiji.

KIYOURA KEIGO,
Minister of State for Justice.

September 21st, the 34th year of *Meiji* (1901.)

The following Article is inserted after Article 46:—

Art. 46, B.—In applying for registration for the preservation of ownership in cases where ownership has been acquired by a Japanese subject or a Japanese juridical person in accordance with paragraph 2 of Article 1 of Imperial Ordinance No. 179, of the 34th year of *Meiji* (1901), the fact that ownership has been acquired through the cancellation of title-deed of perpetual lease must be stated in the letter of application.

The following two Articles are inserted after Article 71:—

Art. 71, B.—When upon receipt of application mentioned in Article 46 B, there are in a folio of Registry Book for Land leased in perpetuity registrations of subsidiary rights having as their object a right of perpetual lease, and such registrations have not yet been cancelled, then the Registry Officer shall transfer those registrations of subsidiary rights to the ordinary Registry Book after he has completed the registration of the ownership in the same Book.

Article 71, C.—In transferring to the ordinary Registry Book registration relating to subsidiary rights in accordance with the provisions of the preceding Article, or in transferring to the ordinary Registry Book registration relating to buildings erected on land leased in perpetuity, the Registry Officer shall enter in the Registration Number Column of the folio of the ordinary Registry Book a new number following the order in which registrations are being made in that Book. He shall then enter on the left side of that number the Registry Number appearing in the Registry Book from which it has been transcribed.

In the case provided for in the preceding paragraph the Registry Officer shall record at the end of registration transcribed in the designation column and the fact column, the folio, the volume and the title of the Registry Book from which the foregoing registration has been transcribed. He shall also enter the date of the transcription and affix his seal.

SUPPLEMENTARY REGULATIONS.

This Ordinance shall take effect from the day of its promulgation.

DEPARTMENTAL ORDINANCE NO. 24, OF THE DEPARTMENT FOR HOME AFFAIRS.

When a Japanese subject or a Japanese juridical person, who was acquired a right of perpetual lease created in favour of a foreigner or foreign juridical person by a title-deed of perpetual lease issued by the Government, has obtained the cancellation of such title-deed according to Article 1 of Imperial Ordinance No. 179, of the 34th year of *Meiji* (1901), and has thus acquired ownership of the land concerned, the Local Government Office must notify the fact without delay to the Taxation Office having jurisdiction over the place where the land is situated.

BARON UTSUMI TADAKATSU,
Minister of State for Home Affairs.

September 25th, the 34th year of *Meiji* (1901).

INSTRUCTION NO. 34, OF THE DEPARTMENT FOR FINANCE.

To the Revenue Administration Bureaux (those at Hakodate, Sapporo, Nemuro and Nawa, excepted).

Upon receipt of notice prescribed by the Departmental Ordinance No. 24, of the Department for Home Affairs, of the 34th year of *Meiji*, the Taxation Office shall make all necessary entries in the cadastre (Tochi-Daicho) in respect of the land to which the notice refers.

SOSUÉ ARASUKÉ.
Minister of State for Finance.

Sept. 25th, 34th year of *Meiji* (1901).

UNITED STATES LEGATION,
TOKIO.

RECEIVED.
NOV 5 1901
BUR. ACCOUNTS. DEP. OF STATE.

No. 588. October 5, 1901.

DEPT. OF STATE
4
1901

Mr. Buck

to the Secretary of State.

Subject:

Settlement of accounts for the fiscal years 1899 - 1900; accounts for quarter ending September 30, 1901.

UNITED STATES LEGATION,
TOKIO.

No. 588. October 5, 1901.

Draft sent to Auditor with accounts

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith statements of my accounts for salary, official telegrams and contingent expenses, with abstract, for the quarter ending September 30, 1901.

In accordance with Instruction No. 360, of August 6, last, and my reply thereto of the 17th ultimo (despatch No. 583), I have attached to the contingent account my draft to the order of the Secretary of State for three hundred ninety seven dollars and fifteen cents ($397.15), U.S.currency, covering back into the treasury the unexpended balance of that fund for the fiscal years 1899 and 1900. The new safe has been ordered from America and will be drawn for on its arrival here.

In this connection I beg to state that inasmuch as the Memorial Service for the late President partook of the nature of an official function, vouchers 2,3,4,6,8,12 and 13 have been included in the contingent account.

I have the honor to be,

Sir,

Your obedient servant,

Enclosures as noted.

Bu. Accts.

UNITED STATES LEGATION,
TOKIO.

No. ~ .

October 7, 1901.




Mr. Buck

to the Secretary of State.

Subject:-Japan invited to participate in the"Louisiana Purchase Exposition".

UNITED STATES LEGATION,
TOKIO.

No. ~ .

October 7, 1901.

COPIED. NOTED
Chief Clerk.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of circular instruction of date of August 22nd last, enclosing the President's Proclamation respecting the "Louisiana Purchase Exposition".

As instructed, I have transmitted to His Excellency the Minister for Foreign Affairs the Proclamation of the President with a note expressing the pleasure it would give the President should the Japanese Government decide to accept the invitation by appointing Commissioners to and by further participating in the Exposition through such display of its resources as is contemplated, enclosing therewith a copy of the "Plan and Scope" of the Exhibition as published by its President.

I have the honor to be,

Sir,

Your obedient servant,



DIPL...
DEC 23 1901
BUREAU.

DIPLOMATIC BUREAU.

Have the necessary letters written to submit to Congress the change of designation from Interpreter to Japanese Secretary of Legation but without increase of salary

UNITED STATES LEGATION,

Tokio, October 8, 1901.

Thomas W. Cridler, Esquire,

etc etc etc

Washington.-

To Com's Offices, Senate & House Dec. 23

ASST. SECRETARY.
DEC 20 1901

Dear Mr. Cridler:

This will introduce to you Mr. R. S. Miller, the Interpreter of the Legation, who is on a visit home. He is all that one could wish in all respects as well as in the line of his official duties.

You will remember I spoke to you, when in Washington, about changing his designation from that of Interpreter to Japanese Secretary, which you kindly approved on the ground, as I stated it, that it would give him more and deserved prestige here. Hence I have to request you to be so good as to see that the Diplomatic and Consular Appropriation Bill makes the change in the designation, as you caused to be made in the case of the Interpreter at Peking,-- by which you will be doing a favor to Mr. Miller and to me as well.

I think it would be proper to make his salary the same as that of the Chinese Secretary and the Interpreter in Turkey. Mr. Miller has been receiving additional compensation from the Contingent Fund as Clerk of Legation, which position he has resigned to take effect from January 1st, 1902, because the Con-

tingent Fund is not sufficient to bear that expense.

With my best wishes,

Sincerely yours,

W E Buck

DIPLOMATIC BUREAU
NOV 13 1901
BUREAU.

UNITED STATES LEGATION,
TOKIO.

No. 589.

October 14, 1901.

DEPT OF STATE
NOV
13
1901
2ND ASST SECRETARY

RECEIVED
NOV
13
1901
DEPT. OF STATE

DIPLOMATIC BUREAU.
To Librarian of Congress, referring to previous communications and especially to our communication of Mr. Wilson's note of May 20, 1901 and Mr. Kato's note of May 17th.
Ack.

563 5/20 R 6/10

Herewith and To Lib. of Con- gress, Nov. 18

Mr. Buck

to the Secretary of State.

Subject:

Copyright.

UNITED STATES LEGATION,
TOKIO.

No. 569. October 14, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to report that in an interview on the 10th instant with Mr. Komura, the Japanese Minister for Foreign Affairs, upon the subject of a copyright convention between the two countries, concerning which several notes were passed between this Legation and the Japanese Foreign Office during the early part of this year, copies of which accompanied the dispatch of Mr. Wilson then in charge of the Legation, No. 563 of date of May 20th last, the Minister stated some reasons why a convention had not been agreed upon by his Government. He also remarked that the last note of his predecessor on that subject,-date of May last-(copy with Mr. Wilson's dispatch above mentioned) was based on technical grounds. I suggested that he put in writing the substance of what he had said to me as sufficient ground upon which Japan, in his opinion, would be justified in not agreeing to a convention. He consented to do so and on the 12 instant I received a personal letter from him covering substantially the points he had made. Understanding that the mark "Private" upon the letter only meant that it should be considered wholly unofficial, I take the liberty to enclose a copy herewith.

In several interviews with Mr. Sone, the last Minister of Foreign Affairs, temporarily in office, I was unable to get any definite expression in respect of a Copyright Convention. Having received this unofficial expression of Minister Komura, I

presume

presume no official reply to Mr. Wilson's note of May 20th may be expected, until it is known here how the State Department views the position taken by the Minister. In fact it seems that he implies as much in the closing paragraph of his letter.

I have the honor to be,

Sir,

Your obedient servant,

A. C. Buck

Enclosure:- Mr. Komura to Mr. Buck, marked "Private".

PRIVATE COPY.

FOREIGN OFFICE, TOKIO,

October 12, I90I

My dear Col Buck:

Referring to the conversation we had on Thursday the 10th inst. in regard to the proposal of the United States to conclude a copyright convention with Japan, I have to inform you that this Department upon receipt of Mr. Wilson's note dated May 20, I90I, has not deemed it necessary to give immediate reply to the observations therein contained. It is true, Mr. Wilson expressed his belief that Mr. Kato's reply of the 17th of May could not possibly be acceptable to the U. S. Government and fully explained the reasons upon which that belief was founded- at the same time, however, he stated that he will not fail to forward a copy of Mr. Kato's reply to the Secretary of State, so that it was naturally thought at this Department that the discussion of this subject might appropriately be postponed until the receipt of a further expression of the views of your Government.

While the correspondence on this important question rests at this stage I am inclined to believe that a frank explaination of the higher interests involved on the part of Japan would be conductive to a clearer understanding of the attitude taken by the Imperial Government. In the first place I may state that Japan's adhesion to the Convention of Berne as a condition of Treaty revision has been received with great dissatisfaction by the Japanese public. It is therefore not unnatural that Japan should, for the present at least, be averse to the conclusion of any further convention for the protection of literary and artistic property. Turning then to the educational system of Japan you will find that books published in

the

the English language are extensively used in the ordinary middle schools, in the education of young men preparing for admission to the Universities, and in all the technical schools and commercial colleges. You will realize the importance of the question from an educational point of view, when I state that even in primary schools, where children of both sexes receive their elementiary education, some lesson in the English language form part of the regular curriculum at least in the higher classes. It will be seen that the interest involved, as far as Japan is concerned, is not merely a commercial one, but one closely connected with the vital question of the education of boys and girls and young men and women.

I therefore venture to hope that you will be good enough to present to Your Government in an appropiate manner this aspect of the question, to which I have briefly referred in the course of our conversation on Thursday.

Believe me,

Yours very sincerely,

SIGNED. Jutaro Komura.

UNITED STATES LEGATION.
TOKIO.

No. 590.

RECEIVED NOV 13 1901 DEPT. OF STATE

DIPLOMATIC, October 14, 1901.

NOV 13 1901
BUREAU

Mr. Buck

to the Secratary of State.

Subject:

Major Wood, as Military Attaché, enters upon his duties.

UNITED STATES LEGATION,
TOKIO.

No. 590. October 14, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that Major Oliver E. Wood, United States Army, arrived in Tokio on the 12 instant, and immediately entered upon his official duties as Military Attaché of this Legation.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Buck

DIPLOMATIC,
NOV 23 1901
UNITED STATES LEGATION,
BUREAU. TOKIO, JAPAN.

DEPT OF STATE
NOV
23
1901
2ND ASST SECRETARY

DIPLOMATIC.

Ask, if effective solicitor and

FOR RELS. 1902.

No. 591.

October 24, 1901.

INDEX BUREAU
RECD.
NOV.
21
1901
DEPT. OF STATE

DIPLOMATIC,
DEC 12 21 1901
BUREAU

Thos Nelson

Copy of enclosure sent No. 1 sent to the Japanese Minister, Dec. 23

Mr. Buck

to the Secretary of State.

INDEX BUREAU
FEB 24 1903
FILED

Subject:

Perpetual lease questions; position maintained by Japanese Government.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 591. October 24, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

Referring to previous correspondence on the perpetual lease questions, and, notably, to my dispatch No.587 of the 2nd instant in which I mentioned that there had been no pronouncement respecting the tax on buildings standing on lands held under perpetual leases, I now have the honor to enclose for your information a copy of a note from the Minister for Foreign Affairs stating the position maintained by the Japanese Government.

I have the honor to enclose, also, a statement of the Government's receipts and expenditures for the Foreign Settlements for the fiscal year ended March 31st, 1900; and likewise of the budget of the same for the fiscal year ended the 31st of last March.

These tables were brought to me by an official of the Foreign Office.

I have the honor to be,
Sir,
Your obedient servant,

J. E. Buck

Enclosures:

1. Mr. Komura to Mr. Buck,—October 21, 1901.
2. Account for Foreign Settlements, 1900.
3. Budget for Foreign Settlements, 1901.

Enclosure No 1 with Mr Buck's No 591, October 24, 1901.

(Copy)

Translation. No.41. Department of Foreign Affairs,
Tokio, October 21, 1901.

His Excellency,

A. E. Buck,

Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.

Monsieur le Ministre,

His Imperial Majesty has been pleased to sanction and to order to be promulgated, the law relating to leases in perpetuity granted to foreigners, which received the consent of the Diet in its last session. His Majesty has also caused two Imperial Ordinances to be issued in aid of the law, and Departmental Ordinances and Notifications, in execution both of the law and the Imperial Ordinances, have been issued.

I have the honor to refer Your Excellency for the full text of these several enactments to the Official Gazette of the 21st ultimo.

These measures were conceived in a spirit of conciliation and I venture to hope that Your Excellency will find it possible to agree with me that they furnish a just and equitable solution of the several questions which have been raised respecting perpetual leases.

I should, however, point out that the enactments referred to, do not have the effect of exempting the buildings standing on land held by foreigners under perpetual leases, from the taxes and registration fees which are leviable in respect of other buildings; neither do they relieve foreigners from the obligation to pay income taxes in respect of incomes derived from property held under such leases

The Government of His Imperial Majesty, have given the most careful

careful cinsideration to the observations which several of the Foreign Representatives have been pleased to address to them on the subject, and, although anxious to meet as far as possible the views ofthe interested Powers on this, no less than on other branches of the question, they have been unable, I regret to say, to bring themselves to the conclusion that the provisions of the Treaties now in force exempting property held under perpetual leases from taxation, have the extended meaning which has been claimed for them.

The Imperial Government experience no difficulty in admitting the wide significance of the word "property" which appears in the Conventional stipulations referred to, and which is chiefly responsible for the issue which has been raised. The word is generic in its nature and when used in its generic sense it comprises everything, movable as well as immovable that is susceptible of individual appropriation and exclusive enjoyment. But in the context in which it is employed in the Treaties, the term is subject to a controlling qualitative limitation.

That limitation specifically restricts the quarantee against taxation, to property held under leases in perpetuity. The property held under perpetual leases is, in the opinion of the Imperial Government, necessarily limited to the property granted by those leases, for it seems clear to them that no property not actually granted by the leases can be held under the leases.

By reference to the leases and the arrangements of an International character under which the leases were issued, it will be found that the property granted by the leases was exclusively land. The buildings standing on the leased land formed no part of the granted property. On the contrary they have, without exception, been erected since the leases were issued, and, equally without exception, are the absolute property of the lessees.

The Imperial Government have drawn from this chain of circumstances what seems to them to be the natural and inevitable conclusion

conclusion that the buildings standing on the leased land, not having been included in the original grants and being still held wholly independently of those grants, cannot be said to be held under the leases in question, and are, therefore, outside the purview of the Cinventional engagements exempting property held under such leases from taxation. Nor is it perceived how it would be possible to bring such buildings within the scope of those engagements, unless it be assumed, in contradiction of actual facts, that they equally with the land, belong to the Imperial Government and that they actually form a part of the property granted by the leases.

If the contention of the Imperial Government are correct, it follows as a necessary corollary that the buildings in question are subject in all respects to the revenue laws of the Empire. They are, by treaty guaranteed national and most favored nation treatment in the matter of taxation and the Imperial Government are prepared to assert that the taxes imposed are neither discriminatory nor excessive.

The Imperial Government find it equally impossible to reconcile their convictions with the claims which have been made respecting the applicability of the income tax law to incomes flowing from property held by foreigners under leases in perpetuity.

The tax in question is limited to actual incomes. In no cases is it applicable to sources of income. It is in its incidence and attributes essentially a personal and not a property tax, and the Imperial Government are unable to pursuade themselves that the general imposition of that tax, contravenes to any extent the provisions of existing Treaties, which exempt property held by foreigners under leases in perpetuity from taxation.

Many foreigners have voluntarily paid both the building and income taxes. Others, however, knowing that the question was under consideration have delayed action. The Imperial Government were not in a position to express any decided opinion on the

the various points raised in connection with perpetual leases, until the necessary enactments had been issued, and accordingly, grace has hitherto been allowed in the matter of the payment of the taxes in question. But in view of what has been said, it will now be necessary to let the provisions of law relating to the collection of taxes, take their usual course.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Signed: Komura Jutaro,

Minister for Foreign Affairs.

Enclosure No 3 with Mr Bucks No 391, October 24, 1901.

Budget — 33rd Fiscal Year (April 1, 1900 — March 31, 1

## 永代借地權ノ設定シアル土地ノ行政費

（明治三十三年度豫算ニ依ル）

| | 府縣費支出 Ken Expenditure | 市費支出 City Expenditure | 町村費支出 Town & Village Expenditure | 支出額合計 Total Expenditure | 明治三十三年度國庫補給額 State grant | 永 |
|---|---|---|---|---|---|---|
| | 圓 yen | 圓 yen | 圓 yen | 圓 yen | 圓 yen | |
| 京府 Kyoto | | | | | | |
| 警察費 Police | 2,831249 | | | 2,831249 | | |
| 營繕費 Public Works | | 2,727120 | | 2,727120 | | |
| 街燈点燈費 Street lights | | 896000 | | 896000 | | |
| 外國人墓地費 Cemetery | | 107000 | | 107000 | | |
| 計 Total | 2,831249 | 3,730120 | | 6,561369 | 6,471145 | |
| 坂府 Osaka | | | | | | |
| 警察費 Police | 3,026761 | | | 3,026761 | | |
| 土木費 Public Works | 956058 | 1,561041 | | 2,517099 | | |
| 下水溝渠費 Sewers & Gutters | | 104540 | | 104540 | | |
| 警備費 Fire Brigade | | 460309 | | 460309 | | |
| 計 Total | 3,982819 | 2,125890 | | 6,108709 | 4,394785 | |
| 奈川縣 Kanagawa | | | | | | |
| 警察費 Police | 66,523283 | | | 66,523283 | | |
| 土木費 Public Works | | 47,596909 | 3,815069 | 51,411978 | | |
| 公園費 Public Garden | | 2,646966 | | 2,646966 | | |
| 墓地費 Cemetery | | 91333 | | 91333 | | |
| 警備費 Fire Brigade | | 2,945300 | | 2,945300 | | |
| 計 Total | 66,523283 | 53,280508 | 3,815069 | 123,618860 | 115,232139 | |
| 庫縣 Hiogo | | | | | | |
| 警察費 Police | 37,273760 | | | 37,273760 | | |
| 衛生費 Sanitary expenses | | 816000 | | 816000 | | |
| 警備費 Fire Brigade | | 1,692750 | | 1,692750 | | |
| 土木費 Public Works | | 16,987500 | | 16,987500 | | |
| 計 Total | 37,273760 | 19,496250 | | 56,770010 | 54,098016 | |
| 崎縣 Nagasaki | | | | | | |
| 警察費 Police | 19,632266 | | | 19,632266 | | |
| 土木費 Public Works | 2,475492 | 10,034003 | | 12,509495 | | |
| 外國人墓地費 Cemetery | | 422150 | | 422150 | | |
| 計 Total | 22,107758 | 10,456153 | | 32,563911 | 23,749903 | |
| 合計 Grand Total | 132,718869 | 89,088921 | 3,815069 | 225,622859 | 203,945988 | |

〔備考〕

借地料ハ東京、神奈川、長崎ハ百坪ニ對スル條約書決定料金ニ據ル又大坂兵庫ハ改正條約實施迄日本政府ニ納ムヘキ金額一定シアルモ右ニ拘ハラス壹坪ニ對スル條約書決定料金ニ據リ之ヲ計算ス

米石ヲ以テ借地料トナスモノハ其時ノ上米相場ニ換算シ收納ス

大坂ニ於テハ富島町八十三番地坪數六百拾五坪料金百五拾參圓七拾五錢ヲ以テ禮拜堂敷地トシテ佛國ヘ貸附シアルモ之ヲ省ク

兵庫ニ於テハ神戸海岸通ニテ雜居地ト唱ヘタル區域ノ内現ニ地坪五千六拾壹坪四合四夕科金千參百參拾六圓參拾貳錢七厘ヲ以テ條約濟外國人ヘ貸附シアルモ之ヲ省ク

函館ニ於テハ雜居地ト唱ヘタル區域ノ内坪數壹萬貳千六百拾參坪六合七夕貳才（改正坪數壹萬貳千八百四十三坪三合貳夕五才）料金千九百九拾四圓參拾八錢ヲ以テ條約濟外國人ヘ貸附シアルモ之ヲ省ク

神奈川縣ニ於テハ居留地外ニテ避病院敷地等貸附シアルモ之ヲ省ク

| 一箇年借地料 | 永代借地坪數 | 明治三十三年度 庫補給額 |
|---|---|---|
| Annual Rental | Number of Tsubo | te grant |
| 圓 yen | 坪 Tsubo | 圓 yen |
| 8,226 266 | 28,181 250 | 6,471 145 |
| 3,200 500 | 9,954 900 | 4,394 785 |
| 60,522 930 | 336,515 500 | 115,282 139 |
| 13,053 753<br>外ニ米 3斗 124 | 45,832 700 | 54,098 016 |
| 18,167 821 | 92,811 374 | 23,749 903 |
| 103,171 270<br>外ニ米 3斗 124 | 513,296 024 | 203,945 988 |

Enclosure No 2, with Mr Bucks No 591, October 24, 1901.

N.B.-- In Tokyo, Kanagawa and Nagasaki, the rental is computed according to the rate for 100 Tsubo fixed in the Treaties. In Osaka and Hiogo, it is computed according to the rate for one Tsubo fixed in the Treaties, though the sum of money to be paid to the Japanese Government until the enforcement of the Revised Treaties is fixed.

Rentals paid with rice are received after it is computed by the market price at that time.

In Osaka, 615 Tsubo at No. 83 Tomijimacho that is leased to France as the land for a chapel at the rental of Yen 153.75 is omitted (in this table).

In Hiogo, Tsubo 5061.74 within the limits of the so-called "place for mixed residence" at the Bund of Kobe, that is leased to foreigners of Treaty Powers at the rental of Yen 1336.327, is omitted.

In Hakodate, Tsubo 12613.672 (revised number of Tsubo 12843.325) within the limits of the so-called "place for mixed residence" that is leased to foreigners of Treaty Powers at the rental of Yen 1994.38, is omitted.

In Kanagawa, the lands leased to the hospital for contageous diseases etc. outside of the Settlement are omitted.

| | | | | |
|---|---|---|---|---|
| 計 Total | 2,965,576 | 1,239,543 | | 4,205,119 |
| 警察費 | 3,036,715 | | | 3,036,715 |
| 土木費 | 653,225 | 863,855 | | 1,517,080 |
| 水道費 | | 68,150 | | 68,150 |
| 消防費 | | 848,235 | | 848,235 |
| 計 Total | 3,689,940 | 1,780,220 | | 5,470,160 |
| 神奈川縣 Kanagawa | | | | |
| 警察費 Police | 42,666,224 | | | 42,666,224 |
| 土木費 Public Works | | 25,457,403 | 1,904,380 | 27,361,783 |
| 公園費 Public Garden | | 621,550 | | 621,550 |
| 墓地費 Cemetery | | 60,750 | | 60,750 |
| 警備費 Fire Brigade | | 630,945 | | 630,945 |
| 計 Total | 42,666,224 | 26,770,648 | 1,904,380 | 71,341,252 |
| 兵庫縣 Hiogo | | | | |
| 警察費 Police | 22,510,482 | | | 22,510,482 |
| 衛生費 Sanitary expenses | | 700,400 | | 700,400 |
| 警備費 Fire Brigade | | 1,925,500 | | 1,925,500 |
| 土木費 Public Works | | 11,325,000 | | 11,325,000 |
| 計 Total | 22,510,482 | 13,950,900 | | 36,461,382 |
| 長崎縣 Nagasaki | | | | |
| 警察費 Police | 11,737,253 | | | 11,737,253 |
| 土木費 Public Works | 1,550,812 | 4,351,540 | | 5,902,352 |
| 外國人墓地費 Cemetery | | 389,951 | | 389,951 |
| 計 Total | 13,288,065 | 4,741,491 | | 18,029,556 |
| 合計 Grand Total | 85,120,287 | 48,482,802 | 1,904,380 | 135,507,469 |

Enclosure No 2, with Mr Buck's No 591, October 24, 1901.

Final Account 32nd Fiscal Year (From August

## 永代借地權ノ設定シアル土地ノ行政費

（明治三十二年度精算）　明治三十二年（三月ヨリ七月ニ至ル國庫支辨ヲ除ク）八月ヨリ翌年三月ニ至ル八ヶ月分

| | 府縣費支出 Fu & Ken Expenditure | 市費支出 City Expenditure | 町村費支出 Town & Village Expenditure | 支出額合計 Total Expenditure | 明治 國 (八月ニ至 Stat |
|---|---|---|---|---|---|
| | yen | yen | yen | yen | |
| 東京府 Tokio | | | | | |
| 警察費 Police | 2,965576 | | | 2,965576 | |
| 營繕費 Public Works | | 781470 | | 781470 | |
| 街燈点燈費 Street lights | | 380040 | | 380040 | |
| 外國人墓地費 Cemetery | | 78033 | | 78033 | |
| 計 Total | 2,965576 | 1,239543 | | 4,205119 | |
| 大阪府 Oosaka | | | | | |
| 警察費 Police | 3,036715 | | | 3,036715 | |
| 土木費 Public Works | 653225 | 863835 | | 1,517060 | |
| 下水溝渠費 Sewers & Gutters | | 68150 | | 68150 | |
| 警備費 Fire Brigade | | 848235 | | 848235 | |
| 計 Total | 3,689940 | 1,780220 | | 5,470160 | |
| 神奈川縣 Kanagawa | | | | | |
| 警察費 Police | 42,666224 | | | 42,666224 | |
| 土木費 Public Works | | 25,457403 | 1,904380 | 27,361783 | |
| 公園費 Public Garden | | 621550 | | 621550 | |
| 墓地費 Cemetery | | 60750 | | 60750 | |
| 警備費 Fire Brigade | | 630945 | | 630945 | |
| 計 Total | 42,666224 | 26,770648 | 1,904380 | 71,341252 | |
| 兵庫縣 Hiogo | | | | | |
| 警察費 Police | 22,510482 | | | 22,510482 | |
| 衛生費 Sanitary expenses | | 700400 | | 700400 | |
| 警備費 Fire Brigade | | 1,925500 | | 1,925500 | |
| 土木費 Public Works | | 11,325000 | | 11,325000 | |
| 計 Total | 22,510482 | 13,950900 | | 36,461382 | |
| 長崎縣 Nagasaki | | | | | |
| 警察費 Police | 11,737253 | | | 11,737253 | |
| 土木費 Public Works | 1,550812 | 4,351540 | | 5,902352 | |
| 外國人墓地費 Cemetery | | 389951 | | 389951 | |
| 計 Total | 13,288065 | 4,741491 | | 18,029556 | |
| 合計 Grand Total | 85,120287 | 48,482802 | 1,904380 | 135,507469 | |

tober 24, 1901.

ar (From August 1st 1899 to March 31st 1900)

| 行政費 明治三十四年三月ヨリ同年九月迄 支出額合計 Total Expenditure 円 | 明治三十二年度 國庫補給額 (八月ヨリ翌年三月分 二年ヨリ八ヶ月分) State Aid for 8 months | 永代借地坪數 Number of Tsubo | 一箇年借地料 Annual Rental 円 |
|---|---|---|---|
| 2,965576 | | | |
| 781470 | | | |
| 380040 | | | |
| 78033 | | | |
| 4,205119 | 4,314095 | 29,173350 | 8,504054 |
| 3,036715 | | | |
| 1,517060 | | | |
| 68150 | | | |
| 848235 | | | |
| 5,470160 | 2,929857 | 9,954900 | 3,200500 |
| 42,666224 | | | |
| 380 27,361783 | | | |
| 621550 | | | |
| 60750 | | | |
| 630945 | | | |
| 380 71,341252 | 76,821424 | 338,141500 | 60,806070 |
| 22,510482 | | | |
| 700400 | | | |
| 1,925500 | | | |
| 11,325000 | | | |
| 36 461382 | 36,065344 | 45,832700 | 13,053753<br>外ニ米 3斗124 |
| 11,737253 | | | |
| 5,902352 | | | |
| 389951 | | | |
| 18,029556 | 15,833269 | 100,173984 | 20,031337 |
| 380 135,507469 | 135,963989 | 523,276434 | 105,595714<br>外ニ米 3斗124 |

〔備考〕

借地料ハ東京、神奈川、長崎ハ百坪ニ對スル條約書決定料金ニ據ル又大坂兵庫ハ改正條約實施迄日本政府ニ納ムヘキ金額一定シアルモ右ニ拘ハラス壹坪ニ對スル條約書決定料金ニ據リ之ヲ計算ス

米石ヲ以テ借地料トナスモノハ其時ノ上米相場ニ換算シ收納ス

大坂ニ於テハ富島町八十三番地坪數六百拾五坪料金百五拾三圓七拾五錢ヲ以テ禮拜堂敷地トシテ佛國ヘ貸附シアルモ之ヲ省ク

兵庫ニ於テハ神戸海岸通ニテ雜居地ト唱ヘタル區域ノ内現ニ地坪五千六拾壹坪四合四夕料金千參百參拾六圓參拾貳錢七厘ヲ以テ條約濟外國人ヘ貸附シアルモ之ヲ省ク

函館ニ於テハ雜居地ト唱ヘタル區域ノ内坪數壹萬貳千六百拾參坪六合七夕貳才（改正坪數壹萬貳千八百四十三坪三合貳夕五才）料金千九百九拾四圓參拾八錢ヲ以テ條約濟外國人ヘ貸附シアルモ之ヲ省ク

神奈川縣ニ於テハ居留地外ニテ避病院敷地等貸附シアルモ之ヲ省ク

DIPLOMATIC
NOV 21 1901
UNITED STATES LEGATION,
BUREAU. TOKIO, JAPAN.

DEPT OF STATE
NOV
21
1901
2ND ASST SECRETARY

DIPLOMATIC BUREAU

Inform Mr. C. G. Loring.
Ack. aak

No. 592.

October 28, 1901.

DIPLOMATIC BUREAU
RECD.
NOV.
21
1901
DEPT. OF STATE

Ackn and Mr. Loring informed of instruction. See. F. 1901 R

Mr. Buck

to the Secretary of State.

N.B.--In Tokyo , Kanagawa and Nagasaki, the rental is computed according to the rate for 1oo Tsubo fixed in the Treaties. In Osaka and Hiogo, it is computed according to the rate for one Tsubo fixed in the Treaties, though the sum of money to be paid to the Japanese Government until the enforcement of the Revised Treaties is fixed.

Rentals paid with rice are received after ~~1st~~ it is computed by the market price at that time.

In Osaka, 615 Tsubo at No. 83 Tomijimacho that is leased to France as the land for a chapel at the rental of Yen 153.75 is omitted (in this table).

In Hiogo, Tsubo 5061.44 within the limits of the so-called "place for mixed residence" at the Bund of Kobe, that is leased to foreigners of Treaty Powers at the rental of Yen 1336.327 is omitted.

In Hakodate, Tsubo 12613.672 (revised number of Tsubo 12843.325) within the limits of the so-called "place for mixed residence" that is leased to foreigners of Treaty Powers at the rental of Yen 1994.38 is omitted.

In Kanagawa, the lands leased to the hospital for contageous diseases etc. outside of the Settlement are omitted.

DIPLOMATIC
NOV 21 1901
UNITED STATES LEGATION,
BUREAU, TOKIO, JAPAN.

DEPT OF STATE
NOV
21
1901
2ND ASST SECRETARY

DIPLOMATIC BUREAU

Inform Mr. C. E. Loring.
Ack. aal

No. 592.

October 28, 1901.

INDEX BUREAU
RECD.
NOV
21
1901
DEPT. OF STATE

Ackn. and Mr. Loring informed of translation. V
Sec. F. 1901
R

Mr. Buck

to the Secretary of State.

N.B.--In Tokyo , Kanagawa and Nagasaki, the rental is computed according to the rate for 100 Tsubo fixed in the Treaties. In Osaka and Hiogo, it is computed according to the rate for one Tsubo fixed in the Treaties, though the sum of money to be paid to the Japanese Government until the enforcement of the Revised Treaties is fixed.

Rentals paid with rice are received after ~~1st~~ it is computed by the market price at that time.

In Osaka, 615 Tsubo at No. 83 Tomijimacho that is leased to France as the land for a chapel at the rental of Yen 153.75 is omitted (in this table).

In Hiogo, Tsubo 5061.44 within the limits of the so-called "place for mixed residence" at the Bund of Kobe, that is leased to foreigners of Treaty Powers at the rental of Yen 1336.327 is omitted.

In Hakodate, Tsubo 12613.672 (revised number of Tsubo 12843.325) within the limits of the so-called "place for mixed residence" that is leased to foreigners of Treaty Powers at the rental of Yen 1994.38 is omitted.

In Kanagawa, the lands leased to the hospital for contageous diseases etc. outside of the Settlement are omitted.

DIPLOMATIC
NOV 21 1901
UNITED STATES LEGATION,
BUREAU, TOKIO, JAPAN.

DEPT OF STATE
NOV
21
1901
2ND ASST SECRETARY

DIPLOMATIC BUREAU
Inform Mr. C. G. Loring.
Ack.

No. 592.

October 28, 1901.

INDEX BUREAU
REC'D.
NOV
21
1901
DEPT. OF STATE

Ackn and
Mr. Loring informed
of invitation.
Sec. F. 11/1901
R

Mr. Buck

to the Secretary of State.

Subject:

Catalogue of Japanese Pottery presented to the Emperor.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 592. October 28, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 356, of date of July 30th last, respecting the presentation to His Majesty the Emperor of a Catalogue of Japanese Pottery by Edward S. Morse, which Mr. Charles G. Loring, Director of the "Boston Museum of Fine Arts" requested that I be instructed to deliver. The package containing the catalogue, under separate cover, was also received.

In compliance with instructions I have transmitted through the Japanese Foreign Office the package containing the catalogue as directed.

The enclosed copy of correspondence with His Excellency the Minister for Foreign Affairs will show that there was some difficulty encountered in making the present to the Emperor. In such cases in future I think it would be well, before the articles are forwarded to the Legation, to have specific disclaimers from the donors of any expectation of any reciprocal consideration for such gifts.

I have the honor to be,
Sir,
Your obedient servant,

E. H. Buck

Enclosures:
1. Mr. Buck to Mr. Komura, Sept. 23.
2. Mr. Komura to Mr. Buck, Oct. 7.
3. Mr. Buck to Mr. Komura, Oct. 9.
4. Mr. Komura to Mr. Buck, Oct. 26.

Enclosure No 1 with Mr Buck's No 592, of October 28, 1901.

Copy.

UNITED STATES LEGATION

TOKIO.

September 23, 1901.

To His Excellency

Mr. Komura Jutaro,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre,

I have the honor to inform Your Excellency that I have received an instruction from my Government directing that I may transmit to His Majesty a "Catalogue of Japanese Pottery" prepared by Mr. Edward S. Morse, which Mr. Charles G. Loring, Director of the "Boston Museum of Fine Arts" had sent to the Department of State with the request that it be forwarded to me for that purpose. The Catalogue has been received and is now in my possession.

Should His Majesty be so gracious as to accept its presentation, it will be my pleasure to transmit the "Catalogue" through such channel and in such manner as may be indicated by Your Excellency.

I avail etc.,

(SIGNED). A. E. Buck.

Enclosure No 2, with Mr Buck's No 592 of October 28, 1901.

Copy.

Translation, Department of Foreign Affairs,

No. 39. Tokio, October 7, 1901.

To His Excellency, A. E. Buck,

Envoy Extraordinary etc.,

Monsieur le Ministre,

In reference to Your Excellency's note of the 23rd ultimo regarding the proposed presentation to His Majesty the Emperor by Mr. Charles G. Loring, Director of the "Boston Museum of Fine Arts" of a "Catalogue of Japanese Pottery" prepared by Mr. Edward S. Morse, I have the honor to state that the present will be accepted by His Majesty, if it is not expected on the part of the donor to receive any reward therefor, and that after this point having been ascertained by Your Excellency and in case of the Catalogue being actually presented to His Majesty, you will be so good as to forward the same to this Department, as I shall take necessary steps to have it transmitted to its high destination.

I avail etc.,

(SIGNED) Komura Jutaro,

Minister for Foreign Affairs.

Enclosure No. 3 .with Mr. Buck's No 592 of October 28, 1901.

No.309. UNITED STATES LEGATION

TOKIO.

October 9, 1901.

To His Excellency

Mr. Komura Jutaro,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's note of the 7th instant in reply to my note of the 23rd ultimo, respecting the presentation to His Majesty the Emperor of a "Catalogue of Japanese Pottery" from the Director of the "Boston Museum of Fine Arts", in which note Your Excellency states that the Catalogue will be accepted by His Majesty if it is not expected on the part of the donor to receive any reward therefor and, after that point having been acertained by me, and in case of its being actually presented, I may forward the same to Your Excellency's Department to be transmitted by you to its high destination.

Thinking myself warranted in the statement that no reward whatever is anticipated by the donor, not only from the fact that otherwise the Department of State at Washington would not have forwarded the Catalogue with the instruction given me, but also from the tenor of a private letter received from the Director of the Museum, I do not hesitete to assure Your Excellency in that regard. If I had any doubt upon this point I should have awaited definite assurance before acting upon the instruction.

I venture to assume that Your Excellency will regard the assurance above as sufficient, and therefore feel at liberty to forward herewith the package containing the Catalogue, as suggested by Your Excellency.

I avail etc.,

(Signed) A. E. Buck.

Enclosure No. 4 with Mr. Buck's No 592 of October 28, 1901.

(Copy)

No. 42 Translation.

Department of Foreign Affairs,
Tokio, October 26, 1901.

His Excellency
A. E. Buck,
Envoy Extraordinary, etc.

Monsieur le Ministre,

I have the honour to inform Your Excellency that necessary steps having been taken to present to His Majesty the Emperor the "Catalogue of Japanese Pottery" for presentation to His Majesty from Mr. Charles G. Loring, Director of the "Boston Mu-"seum of Fine Arts", which was forwarded to me by Your Excellency, His Majesty has been graciously pleased to accept the same and to order me to convey the expression of His appreciation. I beg, therefore, to request that Your Excellency will be so good as to acquaint Mr. Charles G. Loring to that effect.

I avail etc.,

Signed: Komura Jutaro,
Minister for Foreign Affairs.

DIPLOMATIC,
NOV 21 1901
BUREAU

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 5.

October 29, 1901.

INDEX BUREAU
REC'D.
NOV.
21,
1901
DEPT. OF STATE

10/17 to Census
11/19 "

To the Director of the Census.
Sir:
Hekit and G
Ans. D Census,
Nov. 23

Mr. Buck

to the Secretary of State.

Subject:

Information about the Department for Agriculture and Commerce of Japan,—called for by circular of July 30, 1901.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 5. October 29, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's circular instruction of the 30th July last, enclosing a copy of a letter from the Director of the Census desiring information as to the organization, work, etc. of the branch of government dealing with matters of commerce and industry.

The points mentioned in the Director's letter were referred to the Department for Agriculture and Commerce with the request for information.

Having now received a statement from that Department, in reply, I have the honor to enclose herewith a translation of it, in the hope that it contains the desired facts about the Japanese administration looking to commerce and industry.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:

Information about the Department of Agriculture and Commerce of Japan,--translation.

Enclosure with Mr. Buck's No. 2 of October 29, 1901.

(Translation)

# INFORMATION ABOUT THE DEPARTMENT OF AGRICULTURE AND COMMERCE OF JAPAN.

( 1 )

The Department was established in April 1881, when it managed business relating to agriculture, commerce, industry, fishery, forestry, inventions, trade marks, communications and shipping. In December 1885 the Department of Communications was established and business relating to communications and shipping was transferred to that Department. In the same month of the same year the Department of Industry was abolished and business relating to mining which had been managed by the said Department was transferred to this Department.

( 2 )

In this Department business relating to agriculture, commerce, industry, fishery, forestry, mining, inventions, designs, trade marks and geological investigation is managed.

( 3 )

In this Department there are the following Bureaux and Sections:

Bureau for General Business: this is divided into four sections, i.e., Section of Personnel, Record Section, Statistics Section and Account Section, and the respective business relating to the appointment, or retirement, and official rank of officers, the receipt, forwarding and compilation of documents, the preparation of statistical reports, the exhibitions foreign or domestic, and accounts is managed.

Agricultural Bureau: this is divided into four sections, i.e., Agricultural Administration Section, Agricultural Products Section, Cattle Section and Horses Section, in which business relating to agriculture, sericulture, tea, cattle,

hygiene for domestic animals and hunting is respectively managed.

Bureau for Commerce and Industry: this is divided into five sections, i. e., Commercial Section, Companies Section, Insurance Section, Industry Section, and Measures and Weights Section, in which business relating to commerce, industry and measures and weights is respectively managed.

Forestry Bureau: this is divided into five sections, i.e., Section for Forestry Administration, Section for Forestry Business, Investigation Section, Account Section and Miscellaneous Section, in which business relating to forests and plains is managed.

Mining Bureau: this is divided into two sections, i.e., Section for Mining Administration, and Section for Mining Business, in which business relating to mining is managed.

Patent Bureau: this is divided into nine parts, i.e., Judgment Section, Section for the Examination of Inventions, Section for the Examination of Designs, Section for the Examination of Trade Marks, Re-examination Section, Registration Section, Miscellaneous Section, Library and the Foreign Affairs Office, in which business relating to inventions, designs, and trade marks is managed.

Aquatic Bureau: this is divided into three sections, i.e., Fishery Section, Marine Products Section and Investigation Section, in which business relating to aquatic products is managed.

Geological Investigation Office: this is divided into four sections, i.e., Geological Section, Section for the Nature of Soil, Analysis Section, Section for Geological Forms, in which business relating to the geological investigation, the nature of soil, the form of ground and analysis is managed.

( 4 )

As the scope of works of the Department is so wide, the modes of carrying them out are very numerous. The most im-

portant among them are as follows:

1. With regards to agriculture, there are Agricultural Experiment Stations, Sericulture Training School, Pasture for Breeding Horses, Stud-farm, and the Pasture for Breeding Cattle which encourage the improvement and development of the business of agriculture and cattle-breeding.

2. With regards to commerce, there is a Commercial Museum, in which samples of foreign and domestic merchandize are collected and exhibited to the public inspection of people. Those who wish to engage in business in future and who are deemed to be effective agents for the expansion of trade are despatched to foreign countries to be trained in practical business relating to commerce and industry.

3. With regards to forestry and mining, Forestry Offices and Offices for the Supervision of Mines are established in proper districts to give convenience to the establishment and inspection of forests and mines.

4. With regards to fishery, the Office for the Investigation of Salt Business and the Marine Products Training School are established to investigate those things and to procure men who are versed in them.

( 5 )

a.

With regards to the businesses chiefly managed by the Department, they are carried out at the sole responsibility of the Department except those things related to other Departments and those weighty matters that need the consultation of the Cabinet.

b.

With regards to the statistics concerning agriculture, commerce and industry, the materials for them are collected from each locality every year, and are sent to the Cabinet as the material for the "Annual Statistic Report" prepared by it.

Statistics specially relating to the business of the Department are compiled in the Statistical Report of Commerce and Agriculture each year to be used for reference in the promotion and establishment of agricultural, commercial and industrial undertakings. Besides, several statistical reports are published at times in connection with important matters.

c.

In case there is need of legislation in relation to the business of the Department the laws are drafted and sent to the Cabinet, who in turn forwards them to the Imperial Diet, as the necessary process for their enactment.

( 6 )

Factories at present are under the regulation of local police, and not under the direct supervision of the Department.

Exchanges (present number of which is 86) and Insurance Companies (domestic, 66, and foreign, 57) are under the direct supervision of this Department. They are, in accordance with the provisions of special laws, made to obtain permission from the Department, and to make reports to it; and at times officials are sent to examine their actual standing.

There are 58 Chambers of Commerce of which the establishment as public organs is sanctioned in order to cause them to discuss the means necessary for the development of commerce and industry and for the prevention of their retrogression; and the Co-operations of the Fellow-businessmen of Important Products (numbering 346) of whi ch the establishment is sanctioned for the sake of correcting the drawbacks and increasing the profits of the business concerning the manufacture and sale of important products. These two are also supervised by the Department according to special laws.

The business of transportation both by land and water is managed by the Department of Communications and has nothing to do with this Department.

( 7 )

There is no special regulation or protection for laborers. A future scheme for administration with reference to them is now in course of investigation by specially appointed officials in the Department.

( 8 )

The matters relating to taxes are solely managed by the Department of Finance. This Department has nothing to do with them except sometimes proposing opinions to the Department of Finance.

File

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 593. October 29, 1901.




Mr. Buck

to the Secretary of State.

Subject:

Discriminatory treatment of Japanese at Honolulu quarantine,—acknowledging instruction No. 366, September 20.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 593. October 29, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your instruction No. 366 of the 20th ultimo, enclosing copies of the Department's correspondence with the Japanese Minister at Washington, and a copy of the Gurgeon General of the Marine Hospital Service's letter to the Hon. the Secretary of the Treasury, on the subject of the discriminatory treatment at the Honolulu quarantine complained of by the Japanese Government.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck

File

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 594. October 30, 1901.




Mr. Buck

to the Secretary of State.

Subject:

Trouble of bank employees in landing at Honolulu and San Francisco,—acknowledging instruction No. 367, September 27.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 594. October 30, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of your instruction No. 367, of the 27th ultimo, transmitting a copy of a letter from the Hon. the Secretary of the Treasury, stating, with reference to the trouble which employees of the Yokohama Specie Bank have had with the United States immigration authorities at San Francisco and at Honolulu, that it is thought they will have no further difficulties in landing, unless on account of physical condition.

I have the honor to be,

Sir,

Your obedient servant,

W. D. Buck

DIPLOMATIC,
DEC 3 1901
BUREAU
UNITED STATES LEGATION,
TOKIO, JAPAN.
DEPT OF STATE
DEC
3
1901
ASST SECRETARY
DIPLOMATIC BUREAU.

To Committees, referring to recommendation made in 1898.
So ask. aaa

No.595. November 2, 1901.

INDEX BUREAU
REC'D.
DEC
2
1901
DEPT. OF STATE

See letter to Committee of Feby. 18, 1898

Refd. Committees on Foreign Relations & Foreign Affairs & Appropriations (House), Dec. 21

Rec'd. March 3, 1902.

Mr. Buck

to the Secretary of State.

Subject:- Requesting appropriation for heating apparatus and various repairs to the Legation.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 595 November 2, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

Referring to my dispatch No.83 of date January 17th, 1898, in respect to the necessity of a heating apparatus for the legation, and of a fire-proof vault for the security of the records, in reply to which I was advised by Instruction No.90 of date February 11th, 1898, that my dispatch had been referred with inclosure ( plans and specifications) to the appropriate committees of Congress, with a recommendation that an appropriation be made, no action having been taken by Congress, I have the honor to renew my application for an appropriation for the purposes therein stated; also for an appropriation for expenses of improvements of the grounds of the compound, and also for repairs, or rather, for reconstruction, practically, of the stable.

In consideration of the increased price of a hot water heating apparatus in the United States, as I am informed, and of the advanced price of labor here, the amount required for the plant, freight, and putting it in, and making connection with the city water main laid in the street passing the legation will be considerably greater,--about $2500. instead of $1960., as estimated in January 1898.

The cost of the vault then estimated at $1000., in consideration of the advance in price of labor and material would now be some $1200.

Respecting the improvement of the grounds, I think this is necessary to be done by planting trees and shrubbery and by such landscape gardening as will make them compare more favorably with the beautiful grounds of other legations. The appearance of

of the compound now is not creditable; we suffer greatly in comparison because of their indifferent condition, as we do also for want of better legation buildings. Beautifying the grounds will compensate somewhat for the shabby appearance and bad location of our main building. I think fully $1000. should be appropriated for this improvement.

There is an immediate necessity for an appropriation for extensive repairs of the stable. It is a very old wooden building with tile roof and is now very much dilapidated. The roof, floor and some other parts must be made anew. Temporary repairs have been made from time to time, but have proved to be of no lasting benefit. The building being beyond ordinary repair, it will require fully $1000. to do the work upon it necessary to be done.

Despairing of getting an appropriation for new buildings, estimates for which and for other improvements were made in my dispatch No.130 of date April 29th, 1898, a copy of which I was advised by instruction of date May 31st, 1898, had been submitted to the Committee of Foreign Relations of the House and the like committee of the Senate, I now only ask for such improvements and repairs as are very much and immediately needed.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DIPLOMATIC,
DEC 3 1901
UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU.

DEPT OF STATE
DEC
3
1901
ASST SECRETARY

DIPLOMATIC BUREAU.
Japan Navy Dept.
Ack. by Number and File

aaa

No. 596.

November 4, 1901.

Asked & Navy Dept informed 12/4/01 D

INDEX BUREAU
REC'D.
DEC
2
1901
DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Navy Department's thanks for courtesies to Flagship NEWYORK at Kure dockyard.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 596. November 4, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

In obedience to the Department's instruction No.370 of date the 4th ultimo, enclosing copy of the Secretary of the Navy's letter of the 20th September, I have conveyed through the Minister for Foreign Affairs expressions of the appreciation felt by the Navy Department for the kindness of the Japanese Minister for the Navy and of the Naval authorities at Kure, last summer, in offering the Government dock there for the docking and cleaning of the Flagship NEWYORK, and for other courtesies.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Buck

DIPLOMATIC,

DEC 3 1901

UNITED STATES LEGATION,
TOKIO, JAPAN.

BUREAU.

DEPT OF STATE
DEC
3
1901
2ND ASST SECRETARY

DIPLOMATIC BUREAU.
Inform Navy Dept.
Ack. by Number and File

No. 597.

November 4, 1901.

aaa

Acknowledged and Navy Dept. informed 12/4/1901 Q

INDEX BUREAU
REC'D.
DEC
2
1901
DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Lieutenant Marsh's appointment as Naval Attaché; Japanese Government notified.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 597. November 4, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 369 of the 3rd ultimo, informing me that Lieutenant Charles C. Marsh, U.S.N., has been designated as Naval Attaché to the Legations of the United States at Tokio and at Peking.

I have notified the Minister for Foreign Affairs of Lieutenant Marsh's appointment.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 597. November 4, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No. 369 of the 3rd ultimo, informing me that Lieutenant Charles C. Marsh, U.S.N., has been designated as Naval Attaché to the Legations of the United States at Tokio and at Peking.

I have notified the Minister for Foreign Affairs of Lieutenant Marsh's appointment.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

DEPT OF STATE
DEC
3
1901
ASST SECRETARY

DIPLOMATIC BUREAU.
Mr. Emory will please print. Copies to Treasury for information. Mr. Hunt might be supplied with copies for distribution to persons taking passports for Japan. Send copies to Mr. W. A. Cooper, U.S. Dept. Agent at San Francisco. Ack.
aab

**UNITED STATES LEGATION,**
**TOKIO, JAPAN.**

No. 5.

INDEX BUREAU
REC'D.
DEC
2
1901
DEPT. OF STATE

DIPLOMATIC,
DEC 12 1901,
BUREAU.

November 6, 1901.

Copies to Treas. & Cooper Dec. 13, 1901 R.

PRINTED IN ADVANCE SHEETS NO. 1, 2, 12

Dec. 18, 1901, mailed to Mr. Buck six copies of No. 12 of Adv. Sheets of Cons. Reports.

Mr. Buck

to the Secretary of State.

Subject:

Rules for admission of effects of passengers coming to Japan.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 5. November 6, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose, for the information of the Department, duplicate clippings from today's Japan Mail, giving rules as to the admission of effects brought by passengers coming to Japan.

I have the honor to be,

Sir,

Your obedient servant,

E. E. Buck

Enclosure:

Duplicate clippings from Japan Mail, November 6, as above.

Enclosure with Mr Buck's unnumbered dispatch of November 6, 1901.

## NOTICE TO PASSENGERS.

The following rules are translated for the information of passengers coming from abroad to any open port of the Empire of Japan :—

I.—All articles coming from abroad as personal effects or passengers' baggage shall be examined by the Customs Officer at the port of arrival.

II.—No formal entry is required for personal effects actually brought by passengers, but the latter shall make a verbal declaration of the contents of their baggage before the examination is commenced.

III.—Dutiable articles not declared and so concealed as to indicate an intention to evade the duty are forfeitable and the offender is liable to a fine corresponding to three times the amount of the duty which he has evaded or attempted to evade.

IV.—Passengers who have attempted to import prohibited articles or have imported them are liable to a fine corresponding to the value of the articles, and these articles are forfeitable.

V.—The importation of the following is prohibited by Law :—

*a.* Adulterated drugs, chemicals, medicines, food, and beverages, considered to be injurious by the Laws, Ordinances, and Regulations of the Empire.

*b.* All articles for use in smoking opium.

*c.* All articles which are considered to be dangerous to the public health for sanitary reasons or to the safety of animals or plants, under the Laws, Ordinances and Regulations of the Empire.

*d.* Counterfeit coins of any kind and imitations of coins which might be considered to be counterfeit coins.

*e.* Articles infringing patents, designs, trade-marks, or copyright Laws of the Empire.

*f.* Opium and leaf tobacco.

*g.* Prints, printed books, paintings, engravings, carvings, or any other articles which might be considered dangerous to public security or morals.

VI.—The following articles are passed free of duty as personal effects, in certain quantities which depend upon the discretion of the Customs Officer :—

*a.* Clothing, shirts, gloves, stockings, hats, shoes, handkerchiefs and other personal effects of the kind.

*b.* Watches, umbrellas, canes, or sticks, bracelets, rings, hair ornaments, neckties, tobacco cases, towels, table cloths, articles of stationery, bicycles, pistols, sporting guns, musical instruments, toys, &c.

*c.* Toilet articles, cameras, portable telescopes or opera glasses, deck-chairs, food-baskets, portable dinner sets, portable drugs, trunks, blankets, &c.

*d.* Comestibles, beverages, tobacco (wines and spirits of any sort which do not exceed two pints of each kind. Tobacco which does not exceed in quantity thirteen ounces of cut leaf or one hundred pieces of cigars, two hundred pieces of cigarettes or six ounces of snuff).

VII.—The following are free of duty :—

*a.* Books, atlasses, maps, charts, journals, and newspapers, &c.

*b.* Negotiable papers.

*c.* Gold and Silver (bullion and coins).

VIII.—No duty shall be levied on articles temporarily imported for the professional use of travellers, engaged in scientific researches, or on those imported as samples by commercial travellers, provided that security corresponding to the amount of duty is deposited at the time of importation and the said articles are re-exported within six months from the date of importation.

IX.—A passenger may apply to the Customs Officer at the port of his first arrival for a certificate of examination to be pasted on his baggage in order to have the baggage passed without examination at the next port.

X.—Any baggage not withdrawn from the Customs compound within seventy-two hours from the time of its landing shall be taken into the customs warehouse at the expense and risk of the person concerned.

DIPLOMATIC,
DEC 9 1901
Con. Bureau.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 598. November 14, 1901.

INDEX BUREAU
REC'D.
DEC
9
1901
DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Exequatur sent Mr. Fisher, Vice Consul at Nagasaki.

Consular Bureau
DEC10 1901

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 598. November 14, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's instruction No.371 of the 8th ultimo, enclosing the certificate of appointment of Fred Douglas Fisher as Vice Consul of the United States at Nagasaki.

Mr. Fisher has been formally recognized by the Foreign Office; and I have sent him his exequatur, together with the certificate of appointment, through the Consul General at Yokohama.

I have the honor to be,

Sir,

Your obedient servant,

E. E. Buck

DIPLOMATIC,
DEC 11 1901
UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 599.

November 15, 1901.

FOR RELS. 1902.

INDEX BUREAU
REC'D.
DEC
9
1901
DEPT. OF STATE

Ans. Dec. 12

Mr. Buck

to the Secretary of State..

Subject:-Perpetual lease question.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 599. November 15, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

Referring to my dispatch No. 591 of the 24th ultimo, enclosing a note from His Excellency the Minister for Foreign Affairs stating the position of the Japanese Government in respect of taxation of buildings erected on lands held under leases in perpetuity in the former Foreign Settlements of the Empire, I have the honor to enclose herewith a memorandum submitted to me in behalf of foreign holders of such leases, contending that, under treaty provisions, buildings on the lands so leased became a part of the property to be exempted from tax equally with the lands.

In dispatches heretofore submitted with enclosed memoranda prepared in behalf of American and other lease holders, giving their grounds of opposition to the tax on buildings and other taxes, the question has been quite exhaustively discussed; but since transmitting the note of the Minister for Foreign Affairs above mentioned and the receipt of the enclosed memorandum, I have thought proper to make further inquiry into the merits of the matter as presented in the note of the Minister for Foreign Affairs and as traversed in the memorandum.

In the 2nd paragraph of the memorandum it is claimed that, "in case of failure to pay the annual ground rent reserved, the "land and buildings revert to the Japanese Government." This seems to be an incorrect statement. In such case, the condition, as expressed in the title, reads,"this deed shall become "null and void and the buildings on the said land shall become

"the

"theproperty of the Japanese Government." There can be no reversion as the buildings were not a part of the property leased, but become the property of the Government, only by breach of contract.

As to the expression in the 3rd paragraph respecting the use of the word "Fudosan", upon investi-ation, I learn that in the Japanese version of the Treaty with the United States the word"Zaisan" and not"Fudosan" is used, as it is also in the treaty with Great Britian and some other Powers. "Zaisan"means "things"or"property". In the German Treaty the word"Jisho"is used, which means land. The use and meaning of these different words in the treaties is explained in Mr. Wilson's dispatch of April 1st last.

In respect of the claim made in paregraph 4, Subdivision (a) as to the understanding of the negotiators of the several treaties with Japan, now in force, I find in Paragraph 3 of the Doplomatic Note of the Minister for Foreign Affairs of Germany, addressed to Viscount Aoki, then Minister of Japan in Berlin, of date of April 4th, 1890, as the treaty was about to be signed by them, the following;-"That since the right of proper-"ty in the land in the foreign Settlements mentioned in Artic-"le XXlll of the Treaty will in future also belong to the Jap-"anese State, the owners thereof or their successors, shall not "be obliged to pay for their land any taxes or duties of any "kind, except the rent settled by the lease", which would seem to cover land only. The terms of this note were agreed to by the Japanese Minister.

In this connection my attention has been called to the "British Parliamentary Blue Book, Japan, No.1, I894",p.p. 108 and 114, in which, during the negotiation of the Treaty, the following British proposition appears:

"When such incorporation takes place the existing leases in "perpetuity under which property is now held in the said set-"tlements shall be confirmed and no increase of rental nor any

"additional

"additional charges or other conditions whatsoever shall be im-
"posed in respect of such property."

"The expression"income of rental of the property"would seem to refer to land. At the instance of the Japanese Government the phraseology was changed to that as it appears in the Treaty. As regards the understanding of the negotiators of the other treaties with Japan, whether or not the ~~the~~ facts in respect to them justify the statement made in the memorandum, I can find no authority on the subject.

In ~~the~~ consideration of the several previous dispatches relating to the tax on buildings, among other questions which have been raised concerning rights of perpetual lease holders in the foreign Settlements, I need not touch further upon the points made in the argument in support of the contention as presented in the memorandum.

If the argument is not convincing, it is a very plausable presentation of the question.

As having some bearing on the equity of the tax on buildings, I have the honor to enclose also a printed personal letter from N. W. McIvor, Esquire, relating to the tabulated statements of the expenditures for and the receipts of rents from the late foreign Settlement of Yokohama for I889-I900 and I90I, copies of which accompanied my dispatch of the 24th ultimo. It will be seen that at the heading over the items of Expenditures there are some characters in Japanese not interpreted-overlooked by the interpretor-. They read as follows:"Administrative Expenses "of localities where perpetual leases are established, from "August I899 to March I900, according to the liquidation of the "32nd fiscal year", in one sheet, and the same in the other, except the last phrase which reads-"according to the Budget of "the 33rd fiscal year", I am informed by an official of the Foreign Office that these statements are made simply to show what proportion the rentals of the land in the foreign Settlements pay of the actual expenditures for and in consequence of the

foreign

foreign Settlements.

I agree with Mr. McIvor, in so far as these statements have no direct bearing upon the question of the rightfulness of taxation. Whatsoever rights Americans have under treaty by way of exemption from taxation, as a matter of course, cannot be affected in the least by the showing made in the tabulated statement of the receipts and expenditures.

Believing that his letter together with the enclosed memorandum will give "the details of the local situation" at Yokohama, as some of our American residents there see it, though others take a different view, and that in doing so I comply with the request of Mr. McIvor as expressed in its closing paragraphs.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck

Enclosures:- I. Memorandum, as above.

2. Mr. McIvor to Mr. Buck.

Enclosure No 1, with Mr. Buck's No 599, of November 15, 1901

## NOTES ON THE SOLE REASON GIVEN BY THE JAPANESE GOVERNMENT FOR INSISTING ON ITS CONTENTION THAT BUILDINGS ARE NOT INCLUDED IN THE WORD "PROPERTY" AS IT OCCURS IN THE TREATY.

---

1.—In some of the earlier grants of perpetual leases the Japanese Government inserted, *as a condition of the grant*, the requirement that houses should be erected on the land.

2.—In Yokohama the Conventions governing these land grants contain a provision, inserted by the Japanese, that in case of failure to pay the annual ground-rent reserved, the land and buildings on it shall revert to the Japanese Government.

3.—When the text of the new treaties was officially promulgated in Japanese by the Japanese Foreign Office, immediately after their negotiation, the equivalent used by them for the word "property" was the word "fudosan," which is defined by the Japanese Civil Code as "land and things fixed thereto." The Civil Code now in force provides that the word "fudosan" includes land and all accessories attached to it by the same owner. The Act recently passed by the Japanese Diet, in Art. 1, states that the holders of these Perpetual Leases have all the rights of *ownership*.

4.—The Government of Great Britain has officially informed the Japanese Government that under its legal interpretation the word "property" includes, with the land, the buildings on it, and that the word as used in this treaty is to be so construed. The Government of France has notified the Japanese Government that it places the same construction on the word "*propriétés*" in its treaty.

The Government of Germany, it is understood, has made, in effect, the same announcement.

While the Government of the United States has, for reasons of courtesy and fairness, refrained from making any announcement of its views pending the statement of a position by the Government of Japan, it is well-known that its views as to the inclusive force of the word "property" in its treaty are similar to the views expressed by the Government of Great Britain.

(a) It has been supposed that, in construing a treaty, it is proper to attempt, on broad lines, to discover the purposes and understanding which were uppermost in the minds of the negotiators at the time that the treaty was made and concluded, giving full weight to the established custom and usage, to admitted history, and to all circumstances which surrounded the subject matter of the treaty and which led to its negotiation. If this course were followed in the present case no doubt could be entertained as to the fact that houses attached to the granted lands had been treated as a part of the lands for all purposes, and that that understanding was accepted and acted upon by all the negotiators, (both Japanese and Foreign) who took part in the negotiation of the treaties that Japan has made.

(b) The diplomatic note recently issued by the Japanese Government indicates clearly, however, that that Government does not wish to follow this broad and fair rule of interpretation, but wishes, rather, to confine the discussion to the *strictly technical* meaning of a phrase and a reference in the foreign text (sole official text) of the treaties, the force of which, as authoritatively given by the foreign Governments, in whose language the treaties were drawn and concluded, they do not understand, or do not wish to understand. It is, narrowly, insisted by the Japanese, in their recent diplomatic announcement, that the reference made in the treaties to properties, textually includes only the naked property as it existed at the time of the grant, and that, since, at the time of the grant, there were no houses on the land, houses which had been attached to the land cannot be included with it to make up the properties as they had been held, and as they had been referred to in the treaties. They wish to give to the word "property" the narrow meaning of the naked land stripped of all of its fixtures and improvements, which the intent of the land grants and custom and usage had attached to it. They forget that the status of the property to be considered is not its status at the time of the making of the grants (covering a period running back about forty years), but is its status *at the time of the making of the treaties.*

(c) The paragraph to which the Japanese note refers as supporting its technical contention indicates, in its opening phrase, the time which the negotiators selected for establishing the status and component character of the properties that they referred to: it reads as follows:—"*When such incorporation takes place*, existing leases in perpetuity by virtue of which property is *now* held in the Settlements shall be confirmed, and no conditions whatever other than those contained in such existing leases shall be imposed in respect of *such* property."

(d) The first treaty making this provision was negotiated in 1894, and all treaties took effect in 1899. The first phrase of the above quotation fixes the time at which the property, included in its provisions, is to be determined as the time of the taking effect of the treaties (1899); the second phrase refers to the property "which is *now* held under the leases," (1894). There is no room left, even on the most narrow technical construction of the treaties, for the supposition that the negotiators meant to strip their reference down to the naked land of the original grants, which were, in many cases, about forty years old at the time of their discussion.

(e) At the time of the making of the treaties, and at the time of their taking effect, these properties were, unquestionably, held under exterritorial law, which fully recognized, not only on established legal principle, but by official records, that the properties were, unless divided by specific contract, held as solid properties, including land and its fixtures and improvements.

(f) It is undoubtedly true that the treaty should be construed, in its reference to these properties, according to the law of the exterritorial jurisdiction in force and applicable at the time that the treaty was made, with due respect to the laws, usages and customs in force at the time and the place when and where it was to take effect. Under this exterritorial law, in force at the time that the treaties were made, and at the time and place that they took effect, the house was recognized, by both foreign and native Authorities, as a part of the properties held by virtue of the leases in perpetuity, and, therefore, on any reasonable and fair construction of the words of the treaty, the improvements and fixtures must be taken to have formed a part of the properties referred to by the negotiators.

(g) The Japanese argument also attempts to ignore the fact that some of the earlier grants of land provided, as a condition of the title, that houses should be built, and to ignore the fact that, as to all titles in Yokohama, in the provision for the reversion of the land to the Japanese Government, in case of failure to pay the ground-rent, it was expressly provided that the houses, though to be erected after the grant, were to revert with the land to the Japanese Government. It seems, therefore, that at the time of the grants it was intended that the houses, when erected, should become a part of the land.

(h) The Japanese argument also loses sight of the fact that in the preliminaries of all of the Conventions which led to the making of the grants it was distinctly understood that the Japanese Government recognized that in order to live in Japan foreigners must have land *on which to erect structures for residence and business purposes*, and the lands were conveyed to them by the Government, *for this special purpose*.

(i) But, leaving aside all these side-lights of history and established usage and custom, and confining ourselves to the technical letter of the treaties, we find that the paragraph of the treaties on which the technical position assumed in the Japanese diplomatic note rests, is as follows:—"When such incorporation takes place, existing leases in perpetuity under which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property." (This quotation is taken from the British Treaty). The French Treaty states that "the properties of this nature shall not be made to bear any imposts, taxes, charges, contributions or conditions other than those expressly stipulated in the leases in question."

(j) The clause protecting the properties against the imposition of taxes and new conditions is (in the above quotation from the British Treaty) the second clause, and the phrase "such property" at the end of this clause refers to the phrase in the first clause where the word "property" first occurs, and where it is described as that property which is held by virtue of leases in perpetuity *at the time of the making of the* treaty. In the text of the British Treaty the description of the property is, property held "*under*" the leases; in the text of the United States Treaty, property held "*upon*" the leases, and in the text of the French Treaty, property held "*by virtue of*" the leases. (It must be kept in mind that the time referred to for this description of the property is fixed as *the time of the making of the treaty*—1894—and not the time of the grants.)

(k) The technical textual effect of all of these phrases, in their proper construction and natural meaning, is to describe the property held in 1894 or 1899 *as a result of the making of the leases*. The houses were certainly built and attached to the lands *as a result of* the receipt of the leases:—As has been seen, some of the earlier grants made the building of a house a condition of the title granted, and, as to all grants, they were made by the Japanese Government, not to be held for investment or speculation, but for the specific purpose of enabling foreigners to erect buildings for residence and business uses.

(t) Further than this, under exterritorial law which has governed and controlled these properties, and their ownership, for years, and which governed and controlled them at the time that the treaties took effect, the houses have been so completely attached to and merged into the land that, with the exception of those cases where they have been separated by specific agreement, there is no record of a title to a house, and, if an house-holder were, to-day, required to show a recorded title to his house, he could do so only by showing a recorded title to the land on which it stands. A situation could not well be conceived of which would more clearly show that the houses were held *as a result of the making of the leases.*

(u) The necessary answer to the Japanese argument may be summarized, on this point of the technical construction of the treaty text, as follows:—They make the mistake of basing their argument on the assumption that the properties referred to in the protective clauses of the treaty are the properties as they were included *in the original grants, at the time of the grants*, under the component conditions *then* relating to them. The language of the treaty is perfectly clear, and fully disposes of any reasoning based on this assumption:—Under the treaty text, the properties protected from taxation and the imposition of new conditions are not the properties as they existed *at the time of granting*, but the properties "*now* held" by foreigners under the original grants—i.e. in 1894, the date of the treaty, or in 1899, the time of the taking effect of the treaty. No reference is made to the conditions influencing the composition of the properties at the time of the grants—in fact, such a reference is positively precluded by the phrase "*now held.*" There is, and can be, no dispute as to what this property consisted of, under exterritorial law, and on the Consular property records of the various nationalities, at the time that the treaty was negotiated—1894, or at the time that it took effect—1899.

(v) While it can have no logical or legal bearing on the technical construction of the treaties, which must be taken to finally establish the rights and exemptions of foreigners, it may be interesting to call attention to a few practical considerations relating to this house tax which the Japanese insist, in the face of the provisions of the Conventional grants and in the face of the treaties, that they have a right to levy on foreigners who hold property in Japan:—

(1.) The house tax is not controlled by the Central Government, but is levied and collected by the local Assembly of the Ken (Provincial District), and by the local Assembly of the Municipality.

(2.) The house tax, under Japanese Law, may be levied by these Assemblies whenever, in their opinion, revenue becomes necessary: it is, therefore, an unlimited tax, since there is no limit to the number of levies that may be made in a year. It is believed to be the only tax which, under the Japanese system, is unlimited.

(3.) Foreign property holders (having the benefit of no tax limitation) have, and can have, no representation in either of the Assemblies authorized to levy this tax.

(4.) The house tax is levied, not on a building in the abstract, but as a percentage on the number of square feet of the superficial area of each floor of the building. The foreigner, from long usage and the customs of civilization, finds it impossible to house a whole family in the space of one small room—he requires, not only for reasonable comfort but for decency, more rooms, and, consequently, more room space than the average Japanese requires. The house tax therefore falls with more weight on him than on the Japanese.

(5.) While the foreigner objects, as a matter of principle controlling future liability, to the admission of the right to levy this tax on him and his property, he has no *practical present* objection to the single house tax now levied, since it may, as a matter of loose argument, be fairly conceded that it is not *now* very far without the limits of financial reason and necessity (if the treaties had not exempted him from it entirely), but, since there is no limit to the number of times that it may be collected in a year, and the discretionary authority to levy it is vested in a very roughly constituted local Assembly, in which he can have no representation, he feels certain that if the broad right to levy is, in a concessive spirit, admitted, contrary, as he believes, to the clear provisions of the treaties that protect him, the house tax will very soon rise to an annual percentage that will become most burdensome and unfair.

(6.) Leaving the text of the last treaties entirely out of the question, the foreign property holder cannot admit that the Municipal Assembly has the right to levy the house tax *on him and his property in the Settlements*, since, in the Conventions under which the grants were made, the Japanese Central Government, as the lord of the land, assumed all municipal charges, and it is distinctly stated that, in paying his ground-rent to the Central Government, he pays all municipal charges. The foreigner admits that the municipal Assembly may have the abstract right to collect taxes for running expenses, but not from him on his *Settlement properties*, because, when the Settlements were formed, the Central Government refused to allow him to have dealings of any sort relating to fixed property, and the charges incident to it, with Native Subjects, but said to him—"You must deal directly with *us* and pay *us* your ground-rent, which covers and includes all municipal charges against you and your property in the Settlements, and we will take care of all these charges for you." Tho foreigner believes that the City Assembly should collect the tax that it wishes to levy on these Settlement properties by securing it from the Central Government which has received it in the form of ground-rent.

(0) The foreigner cannot see that there is now involved in the discussion of this matter any general or moral question of his duty to contribute to local expenses in the form of a house tax, or to discuss the sufficiency of the contribution that he has made in paying his ground-rent:—he has paid the ground-rent reserved in the lease contracts, and confirmed as a duty by the treaties, and he pays the other numerous taxes of Japan, to which the treaties have made him subject, without objection. He is not making a treaty—it is simply a question of the enforcement of one that his Government has made for his benefit several years ago: the moral effect of the exemption of his Settlement property, held under old grants free of taxation other than the stipulated ground-rent, might have been discussed in the making of a treaty, but not now in the carrying out of the provisions of one made and in force. Neither is he nor his Government called upon to show any specially concessive spirit on moral questions of right, outside of the strict enforcement of the terms of the treaties, since a spirit far from concessive has been shown to him: the Japanese Government failed and refused, for more than two years, to confirm his titles as the treaties required, thus causing a reduction of their market value, and putting him to a heavy expense to secure recognition of this important right: this recognition has been tardily and grudgingly given in halting language. In every possible way, and on all collateral questions, a wish has been clearly shown to ignore and override, without discussion, rights that he honestly believes that he has under the treaties. When it has been impossible to decide a question against him on the most technical construction, he has been repeatedly informed that he must continue to suffer infringement of his rights, satifying himself with a protest, "because the Central Government cannot control the action of local officials:" he knows that the Government of Japan has more centralized power than most governments, and he sees, every day, exhibitions of its power to control absolutely the action of all officials, in cases where it *wishes* to do so: he learns from the Constitution of Japan that the treaties promulgated by His Majesty the Emperor form a part of the higher law of the Nation, and he wonders that the Government admits a lack of ability to require and enforce respect for that law—he concludes, with some reason, that the trouble does not lie so much in a lack of ability on the part of the Central Government, as in the utter lack of any wish to hear him and protect him.

The foreigner in Japan has been *forced* to ask for "his pound of flesh" which the treaties have allowed him, since that is all that he can hope to receive.

Yokohama, 26th October, 1901.

Inclosure No 22, with Mr. Buck's No. 599, of November 15, 1901.

My dear Mr. Buck:—

5TH NOVEMBER, 1901.

Many thanks for your two notes of the 4th instant, giving Mr. Miyaoka's explanation of the tabulated financial statements. It is, of course, possible that I may be in error in supposing that the statement refers to Kanagawa *Ken*. My conclusions were based on the plain reading of the text as furnished to you.

To start with, I cannot see what possible bearing the statement can properly have on the question of taxation of foreigners. The Japanese have, by the most solemn agreement possible—a treaty—agreed to exempt certain property from taxation. They are now attempting to avoid the consequences of this agreement by exempting only half of the described property. The fact that the Government may show that it is losing money as a result of its agreement, even if true, cannot relieve them of the obligation of that agreement. This is just the complaint made against the Japanese merchant:—he disavows and ignores his contracts as soon as the market has changed and he sees that his profits will not be as great as he had expected. The warehouses of Yokohama are full to repletion of goods paid for and imported by foreigners on orders and contracts of Japanese, who have, for their own financial convenience, refused to take delivery, though the contract time for delivery has long passed, and the goods were duly tendered. It is to be regretted that the Government seems to be disposed to act on the same principle, by using as an argument to support its failure to carry out an agreement the fact that there is no profit in doing so.

But, leaving this question on one side, and allowing, for the moment, that the financial statement is pertinent to the discussion of the force of the treaty obligation, there is something intrinsically and radically wrong about the financial showing made:—

If these expenditures shown for Kanagawa are for this Settlement alone, why is it that some of the items appear in a column headed "City expense," and some in a column headed "Towns and Villages." The Foreign Settlement is either a City, a Town or Village, but it does not comprise all three?

Does it not seem preposterous, even though it is admitted, in the face of the reading of the text, that all items refer to the Foreign Settlement alone, to suppose that the upkeep of a police force solely for the benefit of less than three thousand white people in a small community costs considerably more than Sixty-Six Thousand Yen per year, when we have a pretty good idea of what it costs in Native districts? It seems evident that there has not been a proper distribution of this item.

How is it possible that an item can appear as a charge on account of the Cemetery used by foreigners alone for years, when the Treasurer informs me that the cemetery is supported entirely by the direct payments of foreigners, and does not receive one sen from the Authorities?

How can we avoid a conflict between this financial statement, showing an expenditure on account of the Fire Brigade, and the fact that there is no Japanese Fire Brigade in the Settlement, that fire protection is there furnished by an organization supported by foreigners, and that I have a letter, written a few days ago by the Treasurer of that organization, stating that it has never received one sen from any Japanese source, official or private?

But, even if these questions could be satisfactorily answered, there would remain a most misleading defect in the extracted statement:—It is evident from the character of the items of expenditure given that the Central Government recognizes the existence of a duty on its part, created by its early land-grant Conventions, to take care of foreign municipal necessities, (a responsibility usually left to the local Authorities). It is not intimated in the financial statement that, since the new treaties came into force, the Central Government, while still recognizing its duty, has turned over the execution of it to the local native Municipality, and has given it the right to levy several taxes, and collect heavy license fees, in the Settlement, in addition to the ground-rent collected under the leases and Conventional agreements, and in addition to the House Tax under discussion: it is not shown by the statement that, further than this, the Central Government itself collects one or two direct taxes from foreigners in the Settlement.

If this financial statement is to have even a moral value in leading to a fair conclusion as to the standing of the account against foreigners, it would be but common honesty to show, as against total expenditure, the total public receipts from foreigners, and not leave it to be supposed, as this statement does, that the payment of ground-rent constitutes the only receipt from them in return for the Government's care and maintenance of them. The side of the statement showing receipts should show, in addition to the total

ground-rent, the total returns from the Central Government's direct taxes on foreigners, and, since the Central Government is under an obligation to look after the municipal charges of the foreign Settlement, and has delegated to the local native Municipality the duty of acting as its agent to look after them, (so far as the foreigner is concerned, he is not a party to this arrangement between the Central and local Governments, and still looks to the former for the fulfilment of its obligation assumed at the time that it issued his deeds), the statement should include in its showing of receipts from foreigneers the total of the several taxes which are directly levied on them, outside of the house tax, by the local Municipal and Ken Authorities.

The statement cannot lead to a fair conclusion so long as it leaves the reader with the impression that the amount of the ground-rent payments is the total of all payments made by foreigners, to be set off against expenditure on their account. While we believe that the payment of the ground-rent includes all municipal taxes, these extra taxes have been, with the knowledge and consent of the Central Government, wrung from us under threat of distraint:—It would seem that we should, at least, have the credit of having paid their amount on a sentimental showing of a statement of account which is intended to be used against us with our own Government.

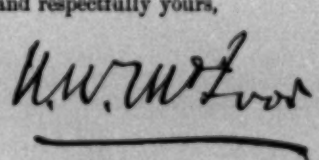
It is evident that this extracted statement is intended to be used to suggest a *moral* consideration to justify what we consider a misreading of the treaty stipulation, and that our Government is, in effect, asked to overlook the misreading and permit the levy of a tax which the treaty prohibits because the Japanese would show that they would lose money by carrying out the agreement. It is also evident on the face of the statement, even admitting the Japanese assertion now made that it does not include the whole Ken, that it must include more than the Central Government's expenditure on the Foreign Settlement alone, and that the receipts from the Foreign Settlement other than the ground-rent receipts are not shown.

In view of the fact that our Government has not had its attention directly called, in this connection, to the details of the situation here, which is unique, and not depending on the usual constructions and applications of Municipal Law and general governmental right, but on the specific terms of a treaty agreement, which is out of the ordinary, this statement, as it is made up and without explanation, would certainly lead our Government to the conclusion that the Central Government of Japan is paying out, in the total, more, on our account, than the total amount collected from us, whereas, on a properly made up and distributed statement of account, the reverse is absolutely true.

This being so, since the financial statement has gone forward to our Government, and since it looks to you for trustworthy information on which to base its conclusions as to the validity of our claims, I hope that you will permit me to ask that you will call its attention to the details of the local situation, that it may have them before it when this financial statement is considered by it.

We have never been given an opportunity for a hearing by the Japanese Government: we should, at least, have an opportunity to state to our own Government what we honestly believe to be true, in reply to the *ex parte* arguments that the Japanese are laying before it.

Sincerely and respectfully yours,



Mr. Morrison.

**UNITED STATES LEGATION,**
**TOKIO, JAPAN.**

No. 2.

November 20, 1901.

DIPLOMATIC,
DEC 16 1901
BUREAU

RECEIVED
DEC 26 1901
BUR. ACCOUNTS. DEP. OF STATE.

LIBRARY BUREAU
RECEIVED
DEC 16 1901
DEPT. OF STATE

Ans. by subsequent Dispatch Dec. 21

Mr. Buck

to the Secretary of State.

Subject:- Mr. Miller, Interpreter of Legation, goes on leave.

**UNITED STATES LEGATION,**
**TOKIO, JAPAN.**

No. ~. November 20, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to inform you that Mr. Ransford S. Miller, Interpreter of this Legation, availing himself of the leave of absence of sixty days, with permission to visit the United States, granted by the Department's dispatch No.355 of July 29th last, sailed today for SanFrancisco, on the U. S. transport Sheridan, from Nagasaki.

I have the honor to be,

Sir,

Your obedient servant,

N. E. Buck

CONSULAR BUREAU.
PLEASE REPORT.
After obtaining Mr. Rockhill's opinion
H. H. D. I.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 600.

November 21, 1901.

RECEIVED
DEC 16 1901
DEPT. OF STATE

3rd. ASST. SECRETARY
DEC 17 1901
DIPLOMATIC
1902
BUREAU.

Answ
Jan. 7

Mr. Buck

to the Secretary of State.

Cons
DEC18 1901

Subject:- The proposal to establish a U. S. Consulate at Moji or Shimonoseki.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 600. November 21 , 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith for the consideration of the Department a printed communication from the Officials of the Port of Moji, situated in the Straits of Shimonoseki, setting forth certain reasons why a United States Consulate should be established at that port.

This communication was received some months ago: but learning that the British Government had already determined to establish a Consulate at Shimonoseki, for one year only, with a view of changing it to Moji, in event it should be found that that port was preferable. I did not transmit this communication, awaiting the receipt of information respecting the advantages of Shimonoseki also.

Having now obtained information in respect of imports, exports, etc., at Shimonoseki, as reported to me from that port in the form of a typewritten statement,(including a tabulated statement also of foreign trade with Moji, as it is claimed),I also enclose that, that the claims of both ports together might be considered, should it be determined to establish a Consulate at one of them.

The two ports are opposite to each other on this Strait, and it is a question, at which, if either, it would be best to establish a Consulate. If it should be thought best to have a Consular officer at one of these ports, it is my opinion, from what information I have, that Moji should be preferred and that a Consul, rather than a Consular Agent, be appointed.

These

These two ports, in consequence of their increasing commerce with the United States, both ports being practically one in respect of foreign trade, are becomming of more inportance yearly and, I am inclined to the opinion that it would be advisable to have a United States Consul at one of them.

I have the honor to be,

I should hardly think that the trade of Moji or Shimonoseki with the U.S. was of such magnitude as to justify the establishment of a Consulate. The movement of these ports as shown in the enclosed statements whether the figures represent weight or values (yen or dollars?) is certainly increasing and Moji is an important coaling station and railway terminus, but the direct trade to the U.S. seems to be very small. I should think

Enclosures:

1. Letter from Officials of the port of Moji.
2. Exports and imports at Shimonoseki.

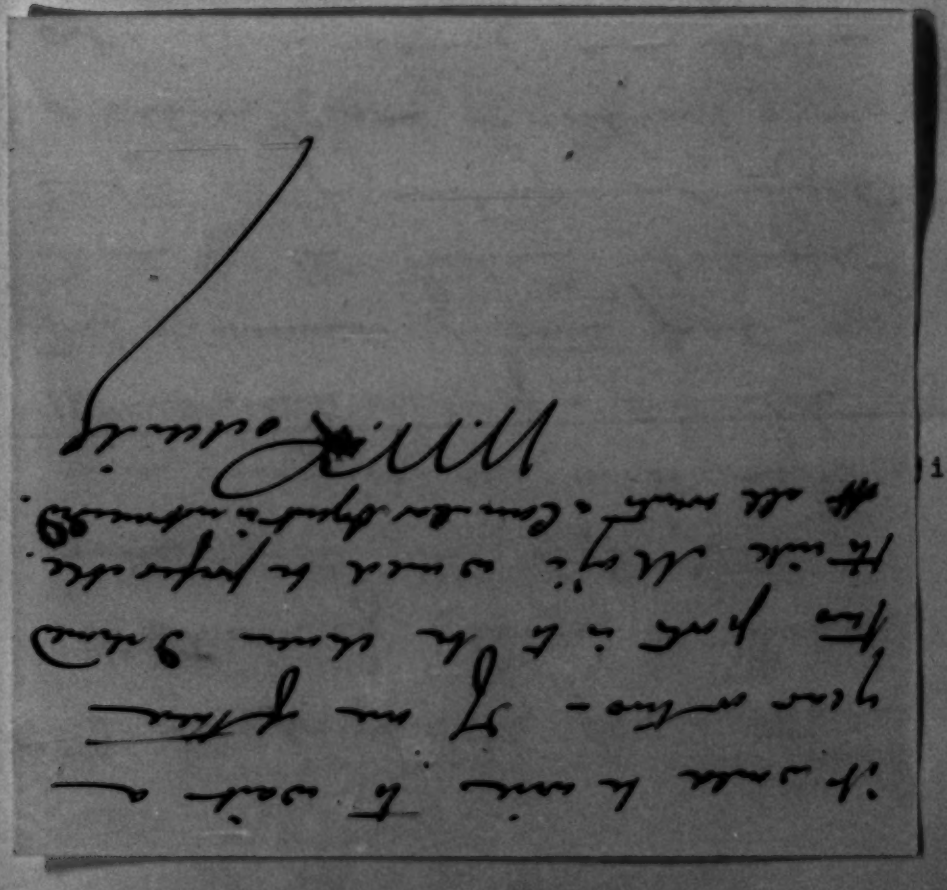
These two ports, in consequence of their increasing commerce with the United States, both ports being practically one in respect of foreign trade, are becomming of more inportance yearly and, I am inclined to the opinion that it would be advisable to have a United States Consul at one of them.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck



Enclosure No. 2. with Mr. Buck's #2600, of Nov. 31, 1901

EXPORTS AND IMPORTS AT SHIMONOSEKI.

| | 32 fiscal year. (Apl 1899-March 1900) | | 33 fiscal year. (Apl 1900-March 1901) | |
|---|---|---|---|---|
| | Import | Export | Import | Export |
| Great Britain | --- | 23,975 | 405,674 | 900 |
| Hongkong | 168,946 | 456,172 | 1,625091 | 1,577,211 |
| China | 52 | 1,744,945 | 61,805 | 791,575 |
| United states | 6,833 | 63,020 | 1,141,463 | 76,910 |
| Singapore | --- | 149,340 | --- | --- |
| Russian Asia | --- | 11,380 | 14,907 | 8,320 |
| British India | --- | 258,600 | --- | 1,053,375 |
| Dutch India | --- | 3,900 | --- | 58,350 |
| Austria | --- | 25,816 | 44,211 | --- |
| Germany | --- | 56,448 | 18,069 | 115,920 |
| Korea | 1,176,742 | 370,407 | 1,604,373 | 905,993 |
| Russia | --- | --- | 183 | --- |
| France | --- | --- | 235 | 54,432 |
| Philippines | --- | --- | --- | --- |
| Belgium | --- | --- | 16,676 | --- |
| Norway | --- | --- | --- | 6,400 |
| Siam | --- | --- | --- | 5,400 |
| French India | --- | --- | --- | 49,150 |
| Italy | --- | --- | --- | 16,250 |
| Others | 489 | 241,235 | 1,631,405 | --- |
| Total | 1,353,062 | 3,405,238 | 6,564,092 | 4,720,186 |

N.B.--Shimonoseki was formerly a special import and export port for China and Korea; it became a port for foreign trade in August 1899.

Since the enforcement of the Custom House Process of Moji in Nov. 1900, ships that enter Moji, no matter whether the

trade is carried out by the people of Shimonoseki, are entered in statistical reports as material forming the trade at Moji; so the facts differ from the figures in this respect.

## FOREIGN COMPANIES AND BANKS HAVING AN AGENT AT SHIMONOSEKI.

Chartered Bank.
Canadian Pacific Steam Ship Co.
China Mutual S.S. Co.
China Navigation S.S. Co.
Pacific S.S. Co.
Northern Pacific S.S. Co.
Eastern Australian S.S. Co.
Shire Line S.S. Co.
Mogul Line S.S. Co.
Ben Line S.S. Co.
Warluck Line S.S. Co.
Ciel(?) Transport and Trading Co.
Glen LineS.S. Co.
Taicoo Sugar Refining Co.
China Sugar Refining Co.
Indo-China S.S. Co.
Butterfid(?) Swire Co.
Jardin Matheson Co.
Raspei Co.

## FORREIGNERS RESIDING AT SHIMONOSEKI.

| | |
|---|---|
| English | 9 |
| German | 1 |
| American | 1 |
| Chinese | 4 |
| Korean | 2 |

## FOREIGN TRADE AT MOJI.

| | 32nd fiscal year (Apl 1899-March 1900) | | 33rd fiscal year (Apl 1900-March 1901) | |
|---|---|---|---|---|
| | Import | Export | Import | Export |
| Great Britain | 19,277 | 40,566 | 525,174 | 68,551 |
| | Yen | Yen | Yen | Yen |
| China | 21,305 | 1,668,429 | 727,630 | 3,270,090 |
| Korea | 44,128 | 74,567 | 30,856 | 154,694 |
| Russia | 1,405 | 85,835 | --- | --- |
| United States | 252,615 | 334,134 | 732,892 | 6,080 |
| Belgium | 106,647 | 107,498 | 14,447 | --- |
| Germany | 212,192 | 417,500 | 1,371,084 | --- |
| Philippines | --- | 8,795 | 55,439 | 827 |
| Hongkong | --- | 1,583,576 | 1,231,901 | 1,026 |
| British India | --- | 849,890 | 343,251 | 909,735 |
| Russian Asia | --- | 35,460 | 145 | 82,641 |
| Siam | --- | 16,095 | --- | --- |
| British America | --- | 17,800 | --- | --- |
| France | --- | 263,376 | 575 | --- |
| Austria | --- | 37,380 | 39,309 | 10,080 |
| Egypt | --- | 299,796 | --- | --- |
| Holland | --- | 77,280 | --- | --- |
| Mexico | --- | --- | 248,750 | --- |
| Australia | --- | --- | --- | 48,713 |
| Dutch India | --- | --- | --- | 23,000 |
| French India | --- | --- | --- | 4,675 |
| Spain | --- | --- | --- | --- |
| Others | 14,183 | 211,259 | --- | 3,180 |
| Total | 671,752 | 6,129,236 | 5,321,453 | 4,583,292 |

N.B.--Moji was formerly a special export port; it became a port for foreign trade in August 1899.

Inclosure No. 1. with Mr. Buck's No. 600, of Nov. 21, 1901

To

His Excellency

COLONEL ALFRED E. BUCK,

Envoy Extraordinary and Minister Plenipotentiary of the Republic of the United States of North America to the Court of His Imperial Japanese Majesty.

Sir

May it please Your Excellency,

Whereas it is our belief and hope that the progress of international trade in this country will, in the near future, make it desirable as well as advisable for the Governments of the various Powers with whose people we are in friendly and commercial relations, to establish their Consulates in our locality;

Whereas in the event of Consulates being established by the Powers in the locality indicated, the citizens of Moji will most heartily welcome such an eventuality and will further be most pleased to place at the disposal of such Powers all the facilities and conveniences which it is in their power to offer in connection with such establishment;

We therefore beg to submit to Your Excellency, facts and figures in connection with the foreign trade of the city of Moji as compared with those of Akamagaseki, (which is otherwise known as Bakan and also as Shimonoseki), in the hope that Your Excellency may be pleased to come to the decision that the said port of Moji is a more suitable place to establish your Consulate in than Akamagaseki, believing as we do, that the choice between these two cities for the purpose just stated will sooner or later come up for Your Excellency's consideration.

## THE POSITION OF MOJI.

The felicitous geographical position of the port of Moji need not be enlarged upon since it must be known to Your Excellency but we should wish to point out that it enjoys, from its position, every prospect of yet becoming a centre of the far Eastern trade. Not much time having elapsed since its opening for international commerce, the trade facilities of the port cannot yet be said to be complete; but when these facilities shall have been perfected, as they will be at no distant date, Japan's Asiatic trade will be all concentrated here. Even at present Moji can well nigh compete with Yokohama or Kobe in the number of mercantile vessels that enter and leave its harbour.

In comparing the customs returns of Moji for the four months of January to April, 1901 with those of Akamagaseki for the same period, it is seen that the figures for Moji footed up to 6,554,205 yen against the 2,347,258 yen of Akamagaseki. Even from this single fact the comparative importance of the two ports as a centre for the collection and distribution of merchandise may easily be judged.

Further, an idea of the rate at which the trade of the two ports is progressing may be formed from the fact that the customs returns show that the figures for Moji for 1900 were five fold of those for 1899, while the similar proportion for Akamagaseki was only three fold.

## THE HARBOUR ACCOMMODATION OF MOJI.

The number of foreign vessels that anchor in the harbour of Moji reaches in the course of a month to from 60, to 90, while absolutely none of them anchor in the port of Akamagaseki.

The tide current in Moji Harbour takes a crescent shaped course and is slow. Even in its swiftest part, the speed of the current does not exceed three knots an hour, while at Akamagaseki the speed is from four to six knots at the slowest points and the latter harbour has no anchorage for large steamers.

As for the depth of water, Moji harbour is over 30 feet deep in all parts of the basin as may be seen on any map, and ships of over 10,000 tons displacement may be anchored there with the utmost ease. As for the shape of its basin, any nautical map may again be referred to. On the other hand Akamagaseki has no basin fit for accommodating large steamers—indeed that port may almost be said to possess no harbour at all.

At Moji the anchorage lies close to the port itself and the distance between the ships anchored there and the land is shorter, and consequently those ships may be reached with greater ease and safety, than at Akamagaseki, where the ships anchored in the port can only be reached after rowing across the swift and even dangerous tidal current.

With regard to the condition of the seas, it may be said that during the winter months a westerly wind blows at Moji, while it blows easterly at Akamagaseki during spring and summer months. At both ports it is only for about twenty days altogether in the course of a year that the loading or unloading of cargo has to be stopped owing to the roughness of sea. So in these respects the two ports fare about equally, but the trouble with Akamagaseki is as already stated that it has no accomodation for large steamers.

## PUBLIC OFFICES WITH WHICH A CONSULATE WILL HAVE TO DEAL.

The Harbour Office, the Customs House, the Quaranteen Office, the office of the Sea-men's Rescue Associaion, etc., all bear, it is needless to say, close relations with ships that enter a port and a consulate should if established at all, be situated as near as possible to these offices. Moji possesses all these offices while Akamagaseki possesses only the branch office of the Moji Customs House.

The port of Moji is under the jurisdiction of Fukuoka prefecture and the Prefectural Office at Fukuoka may be reached from Moji in three hours by the Kyushu Railway. Akamagaseki belongs to Yamaguchi prefecture, the local Government office of which can only be reached by taking the Sanyo Railway to Mitajiri and thence by taking a jinrikisha over a distance of 7 ri or about 17½ miles, the whole journey requiring at least five hours. In this respect, too, the superiority of Moji over Akamagaseki is self evident.

Besides the public offices above named Moji possesses the Post and Telegraph Office and various other public offices. Especially in the matter of forwarding mail to ships has Moji Harbour the advantage. It has the control of the business and ships anchored in its harbour are therefore served much more quickly than those at Akamagaseki. Furthermore the postal service of Moji is connected with 13 different foreign lines and the mail steamers that enter and leave its port number more than 50 in the course of a month.

## COMMERCIAL ORGANS.

In addition to the Branch of the Nippon Ginko (Bank of Japan) for the Western Section, Moji possesses nine other large banking establishments, while Akamagaseki possesses only four banks altogether.

In warehouse accommodations the port may not as yet be said to be thoroughly equipped at Moji but as it is, it possesses two large warehouse companies; while such establishments as the Mitsui, the Mitsubishi, the Nippon Yusen Kaisha etc., all have their branches there and the last named concern is now making large extensions to its branch premises.

## MOVEMENTS OF MERCHANDISE.

One of the principal articles of export in this country, namely coal, is, as is well known, being largely produced from the many excellent mines, existing in Kyushu and the output of coal is increasing every year. And it should be remembered that the outlet of Kyushu is Moji.

The articles of export, produced in Kyushu and exported up to now from Nagasaki, such as tea, fancy mats, fibre paper, rice, etc., are now being all exported from Moji

The articles of import which formerly found their way into Kyushu as well as the whole of Chugoku, via Kobe or Nagasaki, are now—fully one half of quantity—being imported via Moji.

In Kyushu there exist two great spinning companies and these companies are consuming great quantities of cotton. There are also large number of mines and railways and they are constantly importing considerable quantities of iron materials. All these articles are now going into Kyushu through Moji.

Moji has in its vicinity the Government Iron Foundry—the only establishment of the kind in the country—and the machineries and the articles which that foundry imports are varied and numerous. All these are also imported via Moji.

## GENERAL CONDITION.

Nature is very bountiful to Moji which is a very healthy place to live in. Along the shores where the coal is stored, the coal-dust is more or less of a nuisance but upon the hill the surroundings are clean, and the views splendid while fine drinking water may be obtained in plenty.

Moji being a newly opened port its people are—though we say it who should not—active, enterprising, and generous minded as a rule and consequently they are disposed to be very friendly and kindly toward foreigners.

In price of goods Moji does not differ much from the price at Akamagaseki, but with regard to articles of daily necessity their prices are somewhat cheaper in the former than in the latter port.

Moji possesses good hotels, but Akamagaseki has no hotel at all.

Moji abounds in unskilled labourers, and this is accounted for by the fact that the facilities for transporting freight are not complete yet there ; but these facilities are being rapidly provided. On the other hand however, in proportion as the volume of import and export trade of a place is larger, the larger will necessarily be the number of unskilled labourers attracted thereto. Now the fact that there is a far smaller number of such labourers in Akamagaseki than in Moji shows the smallness of the quantity of freight dealt with in the former place. Although Moji posesses lage number of unskilled labourers these are kept in complete control by the police and there is no fear of their creating any public disturbances.

From the facts stated above and in the light of figures given it will be seen that the port of Moji far excells Akagamaseki as a place for establishing a consulate. In the event of Your Excellency deciding to choose Moji, for the purpose in question, we the citizens of that port, intend to furnish you with an excellently appointed building —a building superior to and at a rental lower than, any which the port of Akamagaseki can offer.

We pray therefore that Your Excellency will take into consideration this matter which we beg, by Your Excellency's permission, to place before Your Excellency, in anticipation.

We beg to sign ourselves on behalf of the citizens of Moji.

Signed this third day of the month of June in the 34th year of Meiji.

Hirosawa Tetsuro,
Mayor of Moji City,
Ohashi Tan,
Chairman of
Moji City Assembly
Nakamura Tamehiro,
Member of the City Council of Moji.

# THE GENERAL STATISTIC OUT

## PUBLIC BUILDINGS.

The third Moji Armory Headquarter.
The Moji Military Armory Repairings Works.
The Formosan Military Supply Branch.
The Nagasaki Customs' House Moji Branch.
The Kokura Local Court Moji Branch.
The Moji Harbour Works Office.
The Branch of the seamens Relief Association.
The Gendarme Barracks.
The Moji Qualantine Office.
The Moji Telegraph and Post Office.
The Akamagaseki Telephone Exchange Moji Branch Office.
The Moji Police Station.
The Moji City Office.
The Moji Higher Middle School.
The Tanoura Primary School.
The Komorie Primary School.
The Moji Epidemic Hospital.

## BANKS.

The Western Branch of the Bank of Japan.
The Branch Office of the Mitsui Bank.
The Japan Trading Bank Branch.
The Japan Commercial Bank Branch.
The Moji Branch of Kokura Savings Bank.
The Eighty Seventh National Bank Branch.
The Branch of the Oita Twenty Third Bank.
The Moji Savings Bank.
The Branch of the Hundred Thirtieth Bank.
The Branch of the Kurume Sixty First Bank.
The Branch of the Trikoku Shogyo Bank.
The Sumitomo Bank.

## NUMBER OF HOUSES.

| Year. | Houses. | Increase. |
|---|---|---|
| 1889 | 661 | 0 |
| 1890 | 750 | 89 |
| 1891 | 998 | 248 |
| 1892 | 1,110 | 117 |
| 1893 | 1,361 | 241 |
| 1894 | 2,315 | 954 |
| 1895 | 3,021 | 912 |
| 1896 | 3,324 | 297 |
| 1897 | 3,485 | 161 |
| 1898 | 3755 | 270 |
| 1899 | 5,294 | 2,541 |
| 1900 | 6,423 | 1,129 |
| 1901 | 7,167 | 744 |

## COMPANIES.

The Kyushu Railway Co.
The Branch of the Mitsubishi Goshi Kwaisha.
The Branch of the Mitsui Bussan Kwaisha.
The Branch of the Nippon Yusenkwaisha.
The Branch of the Osaka Shosen Kwaisha.
The Moji Ice Manufacturing Co.
The Branch of the Japan Trading Warehouse.
The Teikoku Bussan Kabushiki Kwaisha.
The Seki Mon Ice Manufacturing Co.
The Branch Factory of Asano Cement.
The Branch of the Hichiku Manure Co.
The Naikoku Express Co.
The Chikuho Coal Warehouse Co.
The Branch of the Osaka Fire Insurance Co.
The Kyushu Coal Co.
The Office of the Coal Dealers Co.

## NUMBER OF INHABITANTS.

| Year. | Inhabitants. | Increase. | Decrease. |
|---|---|---|---|
| 1889 | 3,130 | 0 | 0 |
| 1890 | 6,917 | 3,787 | 0 |
| 1891 | 6,869 | 0 | 48 |
| 1892 | 7,369 | 500 | 0 |
| 1893 | 8,182 | 813 | 0 |
| 1894 | 10,078 | 1,896 | 0 |
| 1895 | 18,831 | 8,073 | 0 |
| 1896 | 21,798 | 2,967 | 0 |
| 1897 | 23,598 | 1,800 | 0 |
| 1898 | 25,280 | 1,682 | 0 |
| 1899 | 29,290 | 4,010 | 0 |
| 1900 | 31,661 | 2,371 | 0 |
| 1901 | 34,941 | 3,300 | 0 |

## FOREIGN RESIDENTS.

| Countries. | Houses. | Inhabitants. | Profession. |
|---|---|---|---|
| England | 2 | 2 | 1 Coal Merchant |
| | | | 1 Pilot |
| America | 3 | 3 | 1 Coal Merchant |
| | | | 1 Physician |
| | | | 1 Hotel Keeper |
| Germany | 1 | 4 | 2 Pilots |
| | | | 1 Engineer |
| | | | 1 Coal Merchant |
| China | 3 | 12 | 1 Barber |
| | | | 2 Traders |
| | | | 3 Coal Merchants |
| | | | 3 Tailors |
| | | | 3 Curio Dealers |
| Korea | 0 | 1 | 1 Servant |
| Total | 9 | 22 | ——— |

This list is drawn according to investigation made in April, 1901.

# TIC OUTLOOK OF THE CITY OF MOJI.

## VALUE OF EXPORTS AND IMPORTS IN MOJI.

| Year. | Countries. | Export. | Import. |
|---|---|---|---|
| 1989 | England. | 35 432 yen | 21 309 yen |
| | Ports in English Possession. | 2,642 721 | 0 |
| | Foreign Countries. | 21 309 | 611 912 |
| 1900 | England. | 68 550 | 547 927 |
| | Ports in English Possession. | 1,835 632 | 351 021 |
| | Foreign Countries. | 3,793 673 | 2,593 847 |
| 1901 Jan. to April. | England. | 136 708 | 89 249 |
| | Ports in English Possession. | 1,948 642 | 376 829 |
| | Foreign Countries. | 3,028 614 | 954 163 |

## VALUE OF IMPORTS AND EXPORTS IN SHIMONOSEKI.

| Year. | Countries. | Export. | Import. |
|---|---|---|---|
| 1989 | England and English ports. | 296 474 yen | 188 672 yen |
| | Korea. | 42 214 | 1,178 111 |
| | Foreign Countries. | 196 905 | 1 227 |
| 1900 | England and English ports. | 2,566 475 | 2 090 823 |
| | Korea. | 671 878 | 1,606 762 |
| | Foreign Countries. | 2,465 650 | 1,341 678 |
| 1901 Jan. in April. | England and English ports. | 0 | 1 369 394 |
| | Korea. | 226 201 | 450 163 |
| | Foreign Countries. | 0 | 321 507 |

NIES.

## NUMBER OF SHIPS ENTERED THE MOJI HARBOUR.

| | | |
|---|---|---|
| Entered—December. 33rd year of Meiji. | Japanese Steamers Abroad | 92. |
| | Foreign Steamers | 43. |
| | English Steamers | 38. |
| Entered—January. 34th year of Meiji. | Japanese Steamers Abroad | 83. |
| | Foreign Steamers | 41. |
| | English Steamers | 50. |
| Entered—February. Do. | Japanese Steamers Abroad | 61. |
| | Foreign Steamers | 31. |
| | English Steamers | 44. |
| Entered—March. Do. | Japanese Steamers Abroad | 95. |
| | Foreign Steamers | 26. |
| | English Steamers | 40. |
| Entered—April, Do. | Japanese Steamers Abroad | 94. |
| | Foreign Steamers | 28. |
| | English Steamers | 40. |

| Profession. |
|---|
| Coal Merchant |
| Pilot |
| Coal Merchant |
| Physician |
| Hotel Keeper |
| Pilots |
| Engineer |
| Coal Merchant |
| Barber |
| Traders |
| Coal Merchants |
| Tailors |
| Curio Dealers |
| Servant |
| —— |

## MAIL STEAMERS TO FOREIGN COUNTRIES.

| Lines. | Entrance. (Monthly) | Exit. (Monthly) | Total |
|---|---|---|---|
| Hongkong | 3 | 3 | 6 |
| Bombay | 1 | 1 | 2 |
| Chefoo, Taku via Nagasaki | 1 | 1 | 2 |
| European | 0 | 1 (two weeks) | 1 |
| Australia | 1 | 1 | 2 |
| Tientsin | 1 | 1 | 2 |
| Mitsubishi | 0 | 2 | 2 |
| Mitsui-Bussan | 0 | 2 | 2 |
| Foreign Mails | 0 | 2 | 2 |
| Vladivostok | 4 | 4 | 8 |
| Newchang | 4 | 4 | 8 |
| Chinnampo | 3 | 3 | 6 |
| Chemulpo | 5 | 5 | 10 |

## FOREIGN LODGERS & PASSERS IN MOJI.

| Year. | Lodgers. | Passers. |
|---|---|---|
| 1899 | 310 | 691 |
| 1900 | 513 | 1,002 |
| 1901 January to April | 263 | 615 |

1901.

DIPLOMATIC,
DEC 17 1901
BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 601.

November 22, 1901.

FOR RELS. 1902.

INDEX BUREAU
REC'D.
DEC
16
1901
DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

House tax question.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 601. November 22, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith a copy of my note to His Excellency the Minister for Foreign Affairs of date the 21st instant in respect of payment of taxes levied on buildings erected on land held under leases in perpetuity in the former foreign Settlements.

Many of our people in Yokohama hesitate to pay that tax, fearing that, in event of the contention of some of the interested Powers in opposition to the tax being successful in the end, the amount paid by them would not be refunded. Hence I thought it proper to address the Minister for Foreign Affairs reserving the right of reimbursement.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:

Mr. Buck to Mr. Komura, November 21, 1901,—copy.

Enclosure with Mr. Buck's No. 601 of November 22, 1901.

(Copy)

No. 322. United States Legation,

Tokio, November 21, 1901.

To His Excellency

Mr. Komura Jutaro,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Monsieur le Ministre,

In consideration of the conclusion of the Imperial Government in respect of the tax on buildings erected on property held by foreigners unders leases in perpetuity in the former foreign settlements, as declared in Your Excellency's note of the 21st ultimo, notwithstanding the fact that, up to this time, I have taken no position in behalf of my Government in opposition to that tax, I think it not improper, under the circumstances and in behalf of American residents in Japan concerned, to state to Your Excellency that, on their paying such tax, I reserve for them all rights of reimbursement, if perchance it should at any time be determined by Your Excellency's Government that it had been wrongfully or erroneously levied.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) A. E. Buck.

TELEGRAM RECEIVED IN CIPHER

Secretary of State.
NOV 27 1901

*From* Tokio,

November 25, 1901.

Received 4.55 A. M.

Dec. 12

Secretary of State,

Washington.

A portion of American citizens Yokohama desire delay in consideration of the enclosure to my despatch 591 until the receipt of inclosures to my despatch 599.

BUCK

#599 has not yet been received. #591 inclosed a note from the Japanese Minister for Foreign affairs stating the position of his government on the question of registration and taxation of buildings on land held by foreigners under perpetual leases.

*hered by* JRB, Chief Clerk's Office

November 25, 9.47 AM, 189, M.

DIPLOMATIC BUREAU.

DIPLOMATIC BUREAU DEC 24 1901

DEPT OF STATE DEC 24 1901 2ND ASST SECRETARY

~~Copy~~. Ack with appreciation. aag

UNITED STATES LEGATION, TOKIO, JAPAN.

No. 5. November 26, 1901.

DIPLOMATIC BUREAU RECD. DEC 23 1901 DEPT. OF STATE

Mr. Buck

to the Secretary of State.

Subject:

Japanese Navy's assistance to transport "Hancock".

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 〜 November 26, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to report that on the 16th instant, on receipt of a telegram from Captain John Baxter, United States Quartermaster at Nagasaki, that the U. S. transport "Hancock" was aground near Moji, in the Shimonoseki Strait, and requesting that I obtain immediate assistance of a Japanese warship from Kure, if possible, I at once communicated with the Navy Department, which promptly dispatched a ship equipped with the necessary appliances for relieving the vessel.

Receiving a telegram from Quartermaster Baxter on the 17th instant announcing the floating of the "Hancock" uninjured, and expressing his great appreciation of the prompt action of the Navy Department in sending a ship to her aid (copy of telegram herewith), I addressed through the Minister for Foreign Affairs a note of thanks to the Minister of the Navy, (copy herewith).

I have the honor to be,
Sir,
Your obedient servant,

W. W. Buck

Enclosures:

1. Captain Baxter to Mr. Buck, Nov.17, copy of telegram.
2. Mr. Buck to Mr. Komura, November 20,—copy.

Enclosure No. 1 with Mr. Buck's No. 6, November 26, 1901.

(Copy)

"Nagasaki, November 17, 1901.

"Minister Buck, Tokio.

"Advised that Japanese Admiralty sent two warships with "salvage appliances to help HANCOCK near Moji. HANCOCK floated "high tide sixteenth uninjured, and sailed same day to relieve "WARREN at Kobe. Action Japanese Admiralty greatly appreciated. "This office will promptly pay Admiralty's bill of expense.

"Baxter."

Enclosure No. 2 with Mr. Buck's No. 6, November 21, 1901.

(Copy)

No. 321.

United States Legation,
Tokio, November 20, 1901.

To His Excellency
Mr. Komura Jutaro,
etc., etc., etc.

Monsieur le Ministre,

I have the honor to express, through Your Excellency, to His Excellency the Minister of the Navy my high appreciation and thanks for his great kindness in so promptly dispatching two vessels with salvage appliances to the assistance of the United States transport "Hancock", aground near Moji a few days ago.

In pursuance of a telegram received from the United States Quartermester at Nagasaki, I have the honor to express his grateful acknowledgments also, and to say for him that his office will promptly pay the bill of expenses for the two vessels, when known.

I avail etc. etc.

(Signed) A. E. Buck.

DIPLOMATIC BUREAU
Inform the Louisiana Purchase Ex. Com.
Ack with regret.

DEPT OF STATE
DEC
24
1901
2ND ASST SECRETARY

**UNITED STATES LEGATION,**
**TOKIO, JAPAN.**

No. 5

DIPLOMATIC,

DEC 24 1901

BUREAU

November 27, 1901.

DEC 23 1901 DEPT. OF STATE

✓ To D. R. Francis Dec. 30
Seen Cridler

ans. Jet. 10. '02

Mr. Buck

to the Secretary of State.

Subject:

Louisiana Purchase Exposition.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 5 November 27, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

As stated in my dispatches of the 7th and 16th ultimo, I had conveyed to the Japanese Government full information concerning the Louisiana Purchase Exposition to be held at St. Louis in 1903, at the same time expressing the earnest desire of the American Government that the Government of Japan might take an active part in the exposition, and that this country might be well represented.

I have now the honor to report that the Japanese Government reply, with much regret, that since their Fifth National Exhibition is to take place at Osaka, also in 1903, they cannot take an active part in the American exposition.

In the Minister for Foreign Affairs' note dated yesterday, a copy of which I have the honor to enclose, he states that his Government have had the documents on the subject of the Louisiana Purchase Exposition published in the Official Gazette and other journals, for the information of those interested.

I have the honor to be,
Sir,
Your obedient servant,

E. O. Buck

Enclosure:

Mr. Komura to Mr. Buck, November 26,—copy.

Enclosure No.— with Mr. Buck's No.—, November 27, 1901.

(Copy)

No.49. Translation. Department of Foreign Affairs,
Tokio, November 26, 1901.

His Excellency

A. E. Buck, etc., etc., etc.

Monsieur le Ministre,

In reference to Your Excellency's note No. 308 dated the 7th ultimo inviting the Imperial Government to take part in the Louisiana Purchase Exposition to be opened in St. Louis, Missouri, in 1903, the receipt of which was acknowledged by my note of the 15th ultimo, I have the honor to say that I am now in receipt of a reply from the Minister for Agriculture and Commerce, stating to the effect that as in the same year the Fifth National Exhibition is to be opened in the City of Osaka, the Imperial Government regret to find themselves unable to participate in the proposed American International Exposition, but that they have caused the Regulations and other documents relating to the same Exposition to be translated and published in the Official Gazette and other journals with a view to giving information to all parties who may be interested in the matter.

The inability of the Imperial Government to take active part in the undertaking in question being thus due to these unavoidable circumstances, I beg to request that Your Excellency will be so good as to acquaint the United States Government to that effect.

I avail etc. etc.

(Signed) Komura Jutaro,
Minister for Foreign Affairs.

SOLICITOR'S OFFICE
DEC 24 1901
UNITED STATES LEGATION,
TOKIO, JAPAN.

ack. & file

DIPLOMATIC,
DEC 28 1901
BUREAU

No. 602.

November 29, 1901.

FOR RELS. 1902.

INDEX BUREAU
REC'D
DEC
23
1901
DEPT. OF STATE

Hoisington
Jan. 3
2

Mr. Buck

to the Secretary of State.

INDEX BUREAU
FEB 24 1902
FILED

Subject:

House-tax question.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 602. November 29, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to confirm my cipher telegram sent the 25th instant, reading as follows:

"Secstate, Washington.

"A portion of American citizens Yokohama desire delay in "consideration of the inclosure to my dispatch five hundred ninety-one until the receipt of inclosure to my dispatch five hundred ninety-nine.

"Buck."

This telegram was occasioned by the request as reported by H. W. McIver, Esq. of some of our people in Yokohama, who, it seems, are still strongly of the opinion that the tax on buildings erected on property held under leases in perpetuity is an infraction of treaty stipulations.

Desiring that they should have an opportunity to have their view presented before a conclusion was reached by the Department respecting the position taken by the Japanese Government, in the note of the Japanese Minister of Foreign Affairs which accompanied my dispatch of the 24th ultimo, I thought it proper to let it be known their wishes by telegram, that the enclosures in my dispatch of the 18th instant might reach the Department before further instructions on the subject were given.

In this connection I have [illegible]
the note of the Minister [illegible]
reply to my note to him of the [illegible]
accompanied my dispatch of [illegible]

In a [illegible]

ceipt of his note, he assured me that in event, though improbable, that the Japanese Government should at any time in the future change its views and find that taxes had erroneously been paid, they would be refunded, and I had supposed his reply to my note would so state, which it fails to do, though the law I understand in such cases requires repayment.

The attitude assumed by the Representatives of Great Britain, France, and Germany in opposition to the "House Tax" so called, is still adhered to notwithstanding the decision of the Government, and many of their people subject to the tax in Yokohama, as also some of our people, still refuse payment. The representatives of those countries still protesting against the tax has caused a stronger feeling of opposition among some American leaseholders in that city than has heretofore been manifested, though there are a portion of our people who take a different view,—that the tax is not violative of treaty provisions,—and who have willingly paid the tax. No protests or other manifestations of opposition to the position taken by the Japanese Government, that I am aware of, have been made by our people in Nagasaki, Kobe, or Tokio,—the only cities where there were foreign settlements,—though some persons in Tokio have expressed to me their opinion that the tax was unjust.

I have the honor to be,

Sir,

Your obedient servant,

J. E. Buck

Enclosure:

Mr. Komura to Mr. Buck, November 29,—copy.

Enclosure with Mr. Buck's No. 602, November 29, 1901.

(Copy)

No. 50. Translation. Department of Foreign Affairs,
Tokio, November 29, 1901.

His Excellency

A. E. Buck, etc., etc., etc.

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's note of the 21st instant in which, having in view the declaration contained in my note of the 21st of October on the subject of the taxation of buildings erected on land held by foreigners under leases in perpetuity in the former foreign settlements, you state that while you have hitherto taken no position in behalf of your Government in opposition to the tax in question you deem it proper, under the circumstances, to reserve for citizens of the United States who pay such tax rights of reimbursement, should the Imperial Government come to the conclusion that the tax had been wrongfully or erroneously levied.

While the Imperial Government are not prepared to admit the existence of any reason for modifying to any extent the position assumed by them in reference to the question, I have no hesitation in assuring Your Excellency that there shall be no discrimination between the citizens of the United States and the subjects or citizens of any other interested Power in respect to the question of house-tax levied on buildings erected on land leased in perpetuity in the former Foreign Settlements.

I avail etc. etc.

(Signer) Komura Jutaro,
Minister for Foreign Affairs.

DIPLOMATIC,

JAN 2 1902

UNITED STATES LEGATION
BUREAU TOKIO, JAPAN.

DEPT OF STATE
JAN
2
1902
2ND ASST SECRETARY

DIPLOMATIC BUREAU
To Navy.
Ack & file.
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No. 603. November 30, 1901.

INDEX BUREAU
REC'D.
JAN
2
1902
DEPT. OF STATE

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Jan. 7

Mr. Buck

to the Secretary of State.

Subject:- Lieutenant Commander Marsh succeeds Lieutenant Key as Naval Attaché.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 603. November 30, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to report that, Lieutenant Key having to-day sailed for America, Lieutenant Commander Charles C. Marsh, U.S.N., has entered upon the duties of his post as Naval Attaché to this Legation.

I have informed the Japanese Government of the fact.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

UNITED STATES LEGATION,
TOKIO, JAPAN.

DIPLOMATIC,
JAN 2 1902
BUREAU

No. 2.

December 4, 1901.

INDEX BUREAU REC'D JAN 2 1902 DEPT. OF STATE

DEP'T OF STATE JAN 2 1902 2ND ASST SECRETARY

DIPLOMATIC BUREAU.
To Secy of the Navy.
Ack with gratifica-
tion
aaw

Sachs
1/2 Secy
Jan 7

Mr. Buck

to The Secretary of State.

Subject:- Japanese Minister of Marine's keen appreciation of Lieutenant Key's services as U. S. Naval Attaché.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 1. December 4, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith a communication received from His Excellency the Japanese Minister of Marine respecting Lieutenant A. L. Key, late Naval Attaché of this Legation, and a copy of my response.

I am gratified to receive such commendation fron the Minister in respect of Lieutenant Key, as doubtless the Secretary of the Navy will be when a copy of the Minister's communication is called to his attention.

I have the honor to be,

Sir,

Your obedient servant,

E. H. Buck

Enclosures:

1. The Japanese Minister of Marine to Mr. Buck
2. Mr. Buck to the Minister of Marine.

(COPY)

Enclosure No. 1, with Mr. Buck's No- of December 4, 1901.

Nov.30, 1901.

His Excellency A.E.Buck,

Minister Plenipotentiary of the United States.

Sir:

I have the honor to communicate to you my high appreciation of the conduct of Lieutenant A.L.Key,U.S.N., the former Naval Attache of the United States Legation. During the past three years, while he has been at his post here at Tokyo, his conduct toward our navy has been one of civility and kindness, and he has discharged his duties in a most appropriate manner. Now in parting with him I cannot lose this opportunity to express my highest praise of him.

If it is proper, I ask Your Excellency to communicate to the Minister of Marine of the United States my highest commendation of the conduct of the Lieutenant who has discharged his duties under your supervision.

G.Yamamoto,

Minister of Marine.

(COPY)

Enclosure A with Mr. Buck's No 402 of December 4, 1901.

December 3, 1901.

His Excellence

The Minister of Marine.

Monsieur le Ministre,

I beg to acknowledge the receipt of Your Excellency's communication of the 30th ultimo expressing your high appreciation of the manner in which Lieutenant A. L. Key, Naval Attache of this Legation, had performed his duties as such, and the civility and kindness he had uniformly manifested in all his transactions with your Department, in which communication you suggest, if proper, that I make known to the Secretary of the Navy of the United States the high esteem in which Lieutenant Key is held by you.

Assuring Your Excellency of the great satisfaction I have of your commendation of Lieutenant Key, I have the honor to say that I shall take much pleasure in communicating to the Secretary of the United States Navy, through the State Department, the high praise you so kindly give him.

Thanking Your Excellency for your kindness to Lieutenant Key during his term of service as Naval Attache, also for your kind expression respecting the manner in which he has discharged his duties,

I have the honor to be,

Sir,

Yours very sincerely,

(SIGNED) A. E. Buck.

DIPLOMATIC,
JAN 2 1902
BUREAU

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. ~.

December 9, 1901.

Ackn Jan 25, 1902 R

DEP'T OF STATE
JAN
2
1902
2ND ASST SECRETARY

DIPLOMATIC BUREAU.

~~Today's date~~ Ackd with renewed appreciation of the courteous spirit shown by the Japanese Govt in dealing with this incident. ABL

INDEX BUREAU
REC'D.
JAN
2
1902
DEPT. OF STATE

~~Forwarded~~ Jan. 15
To War Dept
Jan. 15.
C.
Jan 30

Mr. Buck

to The Secretary of State.

Subject:- Assistance rendered to "Hancock" when aground near Moji by the Japanese Navy.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.~. December 9, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose a copy of a communication from the Minister for Foreign Affairs in response to the note a copy of which accompanied my dispatch of the 26th ultimo on the subject of the steps taken by the Japanese Navy to assist the transport "Hancock".

In acknowledging the expressions of thanks for the sending of vessels to the Hancock's assistance, the Minister for Foreign Affairs note is to the effect that the Minister of the Navy, while appreciating the Quartermaster's desire to reimburse the expenses involved, states that the expenses for the vessels are not expected to be refunded.

The Quartermaster has been informed accordingly.

I have the honor to be,

Sir,

Your obedient servant,

E. B. Buck

Enclosure:- The Minister for Foreign Affairs to Mr. Buck.

Enclosure with Mr. Buck's No.~ of December 9, 1901.

Copy

Translation, No.51.

Department of Foreign Affairs,

Tokio, December 5, 1901.

His Excellency

A. E. Buck,

etc., etc., etc.,

Monsieur le Ministre,

I have the honor to acknowledge the receipt of Your Excellency's note No.327 dated the 20th ultimo expressing through me to the Minister for the Navy your hihg appreciation and thanks for two Japanese vessels having been dispatched to the assistance of the United States transport "Hancock", aground near Moji, and at the same time desiring that the bill of expenses for the two vessels be made known.

Having at once communicated to the Minister for the Navy upon the subject, I am now in receipt of a reply from him requesting me to state that he profoundly appreciates Your Excellency's courtesy, but that the expenses for the said vessels are not expected to be refunded.

I avail myself etc.

(SIGNED) Komura Jutaro,

Minister for Foreign Affairs.

DIPLOMATIC,
JAN 20 1902
BUREAU

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 7. December 12, 1901.

INDEX BUREAU
REC'D.
JAN
10
1902
DEPT. OF STATE

IN ADVANCE SHEETS No. 1243

To Dakota Jan. 9 Kansas
Jan. 20
Sacked
Jan. 22

Mr. Buck

to the Secretary of State

Subject:

Homeopathic practice prohibited in Japan.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. ~ . December 12, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith a translation copy of a note received from Mr. Tai Hasegawa, Chief of the Sanitary Bureau of the Japanese Home Department, concerning the prohibition of the practice of homeopathy in Japan.

This note was in reply to an inquiry by me occasioned by a letter from Dr. Nina S. Stevens, residing in Akita, Japan, who enclosed to me her diploma from the Cleveland Homeopathic Medical College asking that I use my good offices in securing for her permission to practice her profession. In complying with her request, I was informed that the practice of homeopathy was not permitted in consequence of a resolution passed by the Sanitary Bureau. On asking for a copy of the resolution, I received the enclosed communication. I have been given no reason for such prohibition, but presume it is on the ground simply that the Sanitary Bureau does not consider that honeopathy is entitled to be classed as a medical science proper to be permitted to be practiced in Japan.

Not thinking it advisable to press the matter further without instructions, I submit it to the Department.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:

Mr. Hasegawa to Mr. Buck,

December 11th, translation copy.

Enclosure with Mr. Buck's No. —, December 12, 1901.

(translation copy)

No. 69. December 11, 1901.

To the Secretaries,

U. S. Legation.

Sirs:

I beg to acknowledge the receipt of your note dated the 27th November, concerning the resolution of the Central Sanitary Council in relation to permission of the practice of homeopathy.

In reply to your note I have the pleasure to say that on the 20th July, 1899, the Council, in reply to the inquiry made by the Minister for Home Affairs, resolved not to permit it.

(Seal) Tai Hasegawa,

Chief of the Sanitary Bureau,

Home Department.

DIPLOMATIC,
JAN 11 1902
BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 5.

December 14, 1901.

BUCK BUREAU
REC'D.
JAN
10
1902
DEPT. OF STATE

DEP'T OF STATE
JAN
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1902
1ST ASS'T SECRETARY

DIPLOMATIC BUREAU.
Ack & file.
aaa

Ack'd Jan. 14

Mr. Buck

to the Secretary of State.

Subject:

Opening of the Japanese Diet.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 〜. December 14, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to inform you that the sixteenth session of the Japanese Diet was opened by the Emperor on the 10th instant. His Majesty's address dwelt with satisfaction upon Japan's friendly relations with the other Powers and her part in the settlement of the recent troubles in China; and submitted to the members' attention the budget and other matters for legislation. Translations of the Imperial Address and of the reply of the House of Representatives (from the Japan Times of the 11th), and a translation of the reply of the House of Peers (from the Japan Times of the 12th) are enclosed.

I have the honor to enclose, also, a clipping from the Japan Times of the 13th containing a translation of the Minister of Finance's speech on the budget, in which he explains, among other things, the manner the Government propose to use the new Chinese indemnity as an item of revenue; and also a resumé of the budget taken from the Japan Mail of December 12th.

It seems not impossible that accrimonious discussion of the budget may cause difficulties between the Constitutional Party and the Government, and perhaps result in cabinet changes.

I have the honor to be,
Sir,
Your obedient servant,

Enclosures:

Four clippings, in duplicate, as above.

Enclosure No 1 with Mr Buck's No —, December 14, 1901.

The Japan Times.

Tokyo, Wednesday, Dec 11th 1901

## THE OPENING CEREMONY OF THE IMPERIAL DIET.

As has previously been announced the opening ceremony of the 16th session of the Imperial Diet took place yesterday in the House of Peers at 11 a.m. The arrival of the Imperial carriage at the entrance of the Diet was announced at about 10.45 a.m. The Emperor who was accompanied by Prince Fushimi and Nashimoto, Lord Chamberlain Marquis Tokudaiji, Viscount Tanaka, Minister of Home Department and other Court dignitaries, was received at the entrance by Prince Arisugawa, Konoike, Jo, and Kan-in, the President and Vice-Presidents of the House of Peers. After a short rest in one of the chambers up-stairs, His Majesty appeared on the platform and mounted the Throne, while the Princes of Blood, the high dignitaries of the Court and the Ministers of State stood on both sides of the platform, and the members of both Houses on the floor.

The Minister President of State, Viscount Katsura then advanced to the Throne and handed the Emperor a scroll containing the Imperial Speech.

The Address was as follows:—

"In opening the 16th session of the Imperial Diet, We feel much satisfaction in informing the members of the House of Peers and of the House of Representatives that the relations between Our Empire and the Treaty Powers are as cordial as ever. In the North China trouble, Our Government has in conference with the other Powers succeeded in accomplishing the object it had desired to attain while the final arrangements are now on the eve of being definitely settled.

"We fully appreciate the faithful and diligence of Our military and naval officers and men and the support afforded by the members of the two Houses, in connection with this affair, has resulted in greatly enhancing the prestige of Our Empire.

"Further, We have ordered Our Ministers of State to compile the budget for the 35th financial year (1902-1903) and various important projects of law, and to place them before the Imperial Diet. We expect Gentlemen that you will discharge your functions of deliberation and deliberating in the important affairs of state."

During the reading of the Throne deep silence prevailed in the floor and the voice of His Majesty could clearly be heard by all present. After the speech was over Prince Kung, President of the House of Peers ascended the stairs to the dais and received the scroll from the Emperor, thus concluding the ceremony of the day. His Majesty left the House at about 11.20 for the Palace.

REPLY OF THE HOUSE OF REPRESENTATIVES.

The Reply to be submitted to the Throne by the House of Representatives was decided on as follows by the House:—

"May it please Your Majesty,

"We the members of the House of Representatives are profoundly impressed by Your Majesty's gracious speech addressed to us on the occasion of the opening of the 16th session of the Imperial Diet,—a ceremony which Your Majesty has conducted in person. Now that the North China trouble has been peacefully settled, we are reminded more forcibly than ever of Your Majesty's august influences, which was highly instrumental in bringing about that settlement. The issues of the Far East promises to be eventful, and we are resolved to discharge our function of assistant, duly deliberating on the affairs of State, to fulfill on the one hand the urgent wishes of Your Majesty and on the other the trust reposed in us by the people. I, Kenkichi Kataoka, Your Majesty's humble servant and President of the House respectfully submit this Reply."

Enclosure No 2 with Mr Buck's No ~, December 14 1901.

The Japan Times.

TOKYO, THURSDAY, DEC. 12TH, 1901.

## THE IMPERIAL DIET.

WEDNESDAY, December 11.

### HOUSE OF PEERS.

The House of Peers met at 1.30 p.m. The following reply to the Imperial Speech which was prepared as usual by the President of the House was adopted.

"May it please Your Majesty,

"On the occasion of the opening ceremony of the 16th session of the Imperial Diet, Your Illustrious Majesty has been graciously pleased to deliver a speech in our presence. Now that the friendship between the Empire and the treaty Powers is increasing more than ever and that the North China affair is also going to be concluded with brilliant success, having resulted in the increase of the glory of the Empire at home and abroad, we cannot help admiring the greatness of Your Majesty's policy. We respectfully assure Your Majesty that we shall by deliberate discussion discharge our legislative functions, so as to satisfy Your Majesty's august wishes. With profound humility, we, humble servants of Your Majesty and members of the House of Peers submit this reply."

Enclosure No 3, with Mr Buck's No ~, December 14, 1901.

The Japan Times.

TOKYO, FRIDAY, DEC. 13TH, 1901.

FINANCE MINISTER'S SPEECH.

The Premier was followed by Mr. Soné, Minister of Finance, who spoke from the rostrum as follows:

"Gentlemen,—I have the honour to place before you the Government's Budget estimates for the 35th fiscal year of Meiji and to make a few remarks on the general feature of the same.

"In so doing, gentlemen, the first point to which I wish to draw your attention is the figures of the revenue and expenditure estimates for the said year. The revenue is estimated at a little over 278,350,000 yen and the expenditure at 275,750,000 yen in round figures. This means a balance of over 2,600,000 yen in favour of the revenue; and it is the intention of the Government to appropriate this balance as a supplementary fund to be credited to the special account of the Formosan Governor-General's Office,—an appropriation which will be submitted to the House in a few days in the form of a Supplementary Budget.

"In the second place, a comparison of the 35th year estimates with those of the preceding year shows an increase of over 17,210,000 yen in the ordinary revenue while a decrease of over 14,850,000 yen is seen in the extraordinary revenue. The increase in the ordinary revenue is the result of the new increase in taxation, namely the increase of the Sake and the Sugar Consumption taxes, and that of the customs duties, together with the augmentation of the profits obtainable from the Post and Telegraph and the Railway services. On the other hand, the marked decrease in the extraordinary revenue in spite of the receipt by the Government of the price obtained from the sale of the 4 per cent. Chinese Indemnity Bonds is accounted for by the fact that in the said fiscal year the Government has no money to come into the coffers in the form either of a public loan or of the Chinese affair temporary loan (items which appear in the present year's estimates), and also by the fact that owing to the steady progress towards completion of the military and naval expansion undertakings the amount to be appropriated from the Indemnity (the former Chinese) which forms the source to be tapped on this occasion, has become decreased.

"Thirdly, a comparison of the 35th years estimate of expenditure with that of the preceding year shows an increase of over 12,600,000 yen in the ordinary expenditure and a decrease of over 6,600,000 yen in the extraordinary expenditure. The increase arises from the necessity of redeeming most of the public debts and also of meeting the increase in the expenses of various Government schools and of the undertakings of the Communications Department. The decrease is then the result either of the curtailment of a lower of the program of the prescribed works and is therefore unavoidable. As for the decrease which appears on the estimate in spite of an increase in the disbursements owing to the defrayment of the expenses in connection with the Chinese affair, I may point out that in the said fiscal year the expenditure connected with the army and navy expansion programme, and with the railway construction and improvement works will become reduced.

"The fourth is about the new undertakings projected in the coming year's Budget. These undertakings are the construction of the Formosan barracks, the enlargement of the Kure Arsenal, the newly projected establishment of one Medical College, of two Higher Technical Schools, and of the said and other kindred Liquors Experimental Brewing Laboratory, and of the connection between the land and sea transportation service at Kobe and Yokohama. It may be noted that, of the above, the construction of the Formosan barracks, the expansion of the Kure Arsenal Works and the establishment of the various educational institutions mentioned are all subjects standing for many years before the public and I deem further comment on them unnecessary. With regard to the Experimental Brewing Laboratory it should be remembered that sake is one of our most important products and I consider it a matter of high necessity in the economics of the country to introduce a reform in the method of the brewing and control over the interests of those engaged in the manufacture. That is why we have decided on the establishment of this laboratory. As for the connection between the land and sea transporting services, the improvement

(Continued on page 2.)

Enclosure No 3, with Mr Buck's No ~, December 14, 1901.

The Japan Times.

TOKYO, FRIDAY, DEC. 13TH, 1901.

FINANCE MINISTER'S SPEECH.

The Premier was followed by Mr. Soma, Minister of Finance, who spoke from the rostrum as follows:

"Gentlemen,—I have the honour to place before you the Government's Budget estimates for the 35th fiscal year of Meiji and to make a few remarks on the general feature of the same.

"In so doing, gentlemen, the first point to which I wish to draw your attention is the figures of the revenue and expenditure estimates for the said year. The revenue is estimated at a little over 278,350,000 yen and the expenditure at 275,750,000 yen in round figures. This means a balance of over 2,600,000 yen in favour of the revenue; and it is the intention of the Government to appropriate this balance as a supplementary fund to be credited to the special account of the Formosan Governor-General's Office,—an appropriation which will be submitted to the House in a few days in the form of a Supplementary Budget.

"In the second place, a comparison of the 35th year estimates with those of the preceding year shows an increase of over 17,210,000 yen in the ordinary revenue while a decrease of over 16,850,000 yen is seen in the extraordinary revenue. The increase in the ordinary revenue is the result of the new increase in taxation, namely the increase of the Sake and the Sugar Consumption taxes, and that of the customs duties, together with the augmentation of the profits obtainable from the Post and Telegraph and the Railway services. On the other hand, the marked decrease in the extraordinary revenue in spite of the receipt by the Government of the price obtained from the sale of the 6 per cent. Chinese Indemnity Bonds is accounted for by the fact that in the said fiscal year the Government has no money to come into its coffers in the form either of a public loan or of the Chino affair temporary loan (items which appear in the current year's estimates), and also by the fact that owing to the steady progress towards completion of the military and naval expansion undertakings the amount to be appropriated from the Indemnity (the former Chinese) which forms the source to be tapped on this account, has become decreased.

"Thirdly, a comparison of the 35th year estimate of expenditure with that of the preceding year shows an increase of over 12,000,000 yen in the ordinary expenditure and a decrease of over 6,000,000 yen in the extraordinary expenditure. The increase arises from the necessity of redeeming some of the public debts and also of meeting the increase in the expenses of various Government schools and of the undertakings of the Communications Department. The increase in these items either of the constituent of a law or the program of the prescribed works and is therefore unavoidable. As for the decrease which appears on the estimate in spite of an increase in the disbursements owing to the defrayment of the expenses in connection with the China affair, I may point out that in the said fiscal year the expenditure connected with the army and navy expansion programme, and with the railway construction and improvement works will become reduced.

"The fourth is about the new undertakings projected in the coming year's Budget. These undertakings are the construction of the Formosan barracks, the enlargement of the Kure Arsenal, the newly projected establishment of one Medical College, of two Higher Technical Schools, and of the sake and other kindred Liquors Experimental Brewing Laboratory, and of the connection between the land and sea transportation service at Kobe and Yokohama. It may be noted that, of the above, the construction of the Formosan barracks, the expansion of the Kure Arsenal Works, and the establishment of the various educational institutions mentioned are all subjects standing for many years before the public and I deem further comment on them unnecessary. With regard to the Experimental Brewing Laboratory it should be remembered that sake is one of our most important products and I consider it a matter of high necessity in the economics of the country to introduce a reform in the method of its brewing and commit more the interests of those engaged in its manufacture. That is why we have decided on the establishment of this laboratory. As for the connection between the land and sea transportation services, the importance

(Continued on page 2.)

has long been recognized. Now that various plans being adopted to facilitate the work of Customs service both at Yokohama and Kobe are steadily approaching completion, the time will be soon here when the connection projected will become a matter of absolute necessity. For this reason we have decided to start the work of establishing this connection during the coming fiscal year. The fifth is the question of raising the emoluments of Judges, Procurators, District Chiefs, and officials in general of *Hannin* rank. This is another of the long standing proposals that await decision. Of late, especially, the Government has come to feel the necessity of its being carried into practice and it is our determination to put in force the increase with the coming fiscal year. In so doing, and with this object in view, we have effected a curtailment in the expenditure already decided upon and thereby obtained the required fund, which is further supplemented by the surplus to be secured by reducing the number of the government employees in general. We have also effected in our estimates a curtailment of the prescribed expenditures of the army and navy departments, so as to allow of a reasonable increase in the salaries of those in the military and marine services.

"In the sixth place I wish to give a general outline of the Government's plan as regards the defrayment of the expenses which were to be met originally by raising a loan. There are matters, however, which bear close relations in this connection and I shall dwell on the uses we have decided to make of the moneys obtainable from the Chinese Indemnity and from increased taxation.

"The Chinese Indemnity roughly amounts to 80 million yen and this amount is to be paid us in loan bonds bearing 4 per cent. interest. Out of this total about two and a half millions are to go to private individuals in compensation for damages suffered by them. Leaving this sum therefore to a special account, we have a remainder of 45,500,000 yen. On the calculation that the bonds representing this latter amount will be only negotiable at a discount of twenty per cent., we have decided to sell the same to the Deposit Department at the rate of 80 yen per 100 yen face value. The sale will thus realize a sum of 36 million yen, a sum which we have included in the Budget under consideration as an item of extraordinary receipt.

"Coming to the subject of the increased taxation, I may state that as the result of the decision given by the Diet in the last session, it has been estimated that the sake and the sugar consumption taxes would yield 21 million yen in the coming fiscal year. It is likely that the stock of sake to be carried over to the next fiscal year will be larger than in ordinary years and in consequence of that the actual receipts may fall short of the estimate on this item. Even in that event however, we feel confident that the total proceeds from the increased taxation will reach about 20 million yen. Add to this the 36 million yen of the Chinese Indemnity and the Treasury will be richer by 56 or 60 millions. Out of this fund we will first of all meet the disbursement necessitated by the China affair, amounting to 2,500,000 yen. In the next place we intend to refund the sum of 20,000,000 yen (including interest) appropriated from the Warship and Torpedo Boats Fund and paid out in the same connection, and also to repay a sum of over six million yen which had to be borrowed, also in the same connection. Besides the above the Government has planned to make a partial redemption of the public debt to the extent of about 11,000,000 yen in order to apply the sums for paying pensions, cash grants and other obligations, also arising from the China affair. These disbursements considered by the Cabinet together aggregate to about 38 million yen but after deducting this amount we still have an available balance of 17 or 18 millions. It is this latter amount which we have decided to appropriate in carrying on the work which it was the Government's original intention to execute by means of a loan.

"Now it is scarcely necessary to call your attention to the fact that since the events of 27-8 (1894-5) there has taken place a sudden expansion in the undertakings of the Government and the people at large and also the demand for capital has enormously increased, thereby affecting the money markets of the country to an incontestable degree. I may state however, that the Government, in view of this state of things, and being deeply apprehensive about the future course of events,

has decided to postpone to a future time a part of the profound undertakings represented by the amount of six million yen out of the allotted portion which falls on the next fiscal year and which is represented by the round sum of 23 million yen. This means that the remaining sum of 17,000,000 yen is to be disbursed in the 35th year. We have changed, however, the plan of meeting this disbursement by means of raising a loan and have instead decided to pay it out of the ordinary revenue. As for the loan in connection with the Special Formosan Undertakings Expenditure, I may add that the said expenditure belonging to a Special Account of its own, we have decided to buy off the Deposit Department and redeem the required amount of the bonds in its possession and then apply the proceeds thus obtained to meeting the loan above mentioned.

"Such being the Government's financial programme, we calculate that it is possible to carry out the redemption of the Government loan prescribed to be redeemed in the next fiscal year, by means of drawing lots, a scheme to be open to the market in general. On the other hand the postponement of the flotation of the loan will result in an easy money market and I have no doubt that the scheme will work in a way most beneficial to economic circles in this country.

"In brief the Government, in compiling its 35th Budget, has made special endeavour to contract the expenditure and thereby give the economic public of the country a breathing time (so to say), with the object of bringing the national finances and economics to their normal condition.

"Such is a general outline of the Government's financial programme for the 35th fiscal year and I am most solicitous that you, gentlemen, deliberate carefully on the Budget now submitted to you and give your support and approval to the same."

Enclosure No 4, with Mr Buck's No — , December 14, 1901.

The Japan Daily Mail.

YOKOHAMA, THURSDAY, DECEMBER 12, 1901.

## THE BUDGET.

The following is a precis of the Budget submitted to the House of Representatives on the 10th instant:—

| | Yen. |
|---|---|
| I.—Total Ordinary Revenue | 224,755,826 |
| Taxes | 153,430,541 |
| 1. Land tax | 46,845,971 |
| 2. Saké tax | 63,805,207 |
| 3. Customs duty | 17,045,611 |
| 4. Other taxes | 25,733,752 |
| Stamps | 14,304,951 |
| Public Domain | 50,775,764 |
| 1. Post and Telegraphs | 25,856,730 |
| 2. Tobacco Leaf Monopoly | 11,717,579 |
| 3. Railways | 7,786,022 |
| 4. Other items | 5,415,433 |
| Miscellaneous | 6,244,570 |
| II.—Extraordinary Revenue | 53,596,616 |
| Sale of 4 per cent. Chinese Bonds | 38,059,200 |
| Chinese Indemnity of 1895 | 8,065,856 |
| Miscellaneous | 7,471,560 |
| I. and II.—Total Revenue | 278,352,442 |
| I.—Ordinary Expenditure | 177,641,412 |
| Civil List | 3,000,000 |
| Foreign Department | 2,284,201 |
| Home Department | 10,604,286 |
| Financial Department | 61,788,044 |
| 1. Public Debt | 43,215,300 |
| Interest, etc | 31,464,910 |
| Sinking fund | 11,750,390 |
| 2. Other items | 18,572,744 |
| Army Department | 38,481,709 |
| Navy Department | 21,388,546 |
| Justice Department | 10,950,815 |
| Educational Department | 4,855,041 |
| Agriculture and Commerce Department | 3,008,306 |
| Communications Department | 21,190,460 |
| II.—Extraordinary Expenditure | 98,109,782 |
| Chinese Affairs | 2,500,000 |
| Restoration of Naval Maintenance Fund, &c. | 38,059,196 |
| Railway Construction and Telephone Construction | 13,619,798 |
| NOTE—This amount should be defrayed by loan, but this year it is taken from ordinary revenue. | |
| Defence Works, Rivers and Harbours and other Public Works, Navigation subsidies, &c. | 43,930,788 |
| I. and II.—Total Expenditure | 275,751,194 |
| Difference of Revenue and Expenditure in surplus | 2,601,248 |

Ack'd Feb 5

DIPLOMATIC,
JAN 13 1902
BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN,

Secretary of State.
JAN 13 1902

No. 604. December 16, 1901.

INDEX BUREAU
REC'D
JAN
10
1902
DEPT. OF STATE

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BUREAU OF APPOINTMENTS,
JAN 27 1902
Department of State.

Mr. Buck

to the Secretary of State.

Subject:

Mr. Huntington Wilson's application for transfer to a European post or to the Department.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 604. December 16, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to commend to your favorable consideration the enclosed application of Mr. Huntington Wilson, First Secretary of this Legation, for transfer, as First Secretary, to one of certain European posts, or to the Department (if a suitable position should be available).

In the discharge of his duties here as Secretary and as Chargé d'Affaires he has displayed marked ability.

I may add that I consider Mr. Wilson exceptionally qualified for the Diplomatic Service, and that I desire not to stand in the way of whatever is calculated to advance him in his aim to make the Diplomatic Service his career. Hence my approval of his application.

I have the honor to be,
Sir,
Your obedient servant,

E. H. Conger

Enclosure:

Mr. Huntington Wilson to the Honorable the Secretary of State, December 16, 1901.

UNITED STATES LEGATION,
TOKIO.

December 16, 1901.

Sir:

I have the honor to request transfer as First Secretary, when a vacancy may occur, to any of the following posts:- Berlin, St. Petersburg, Rome, Vienna or Paris.

My reasons for wishing this change are that I am greatly interested in diplomatic service, and earnestly desire to remain in it as a career; and that I think, from such a standpoint, it would be unwise for me to remain longer, at present

To the Honorable John Hay,
Secretary of State,
etc, etc, etc,
Washington.

present, in the Far East.

I have now been in Japan nearly five years and, although I have found Tokio a post both interesting and agreeable, I feel that a change from the isolated point of view of the Far East would be very advantageous.

Were there a suitable position available in the Department, I should consider it equally desirable.

Trusting you will be kind enough to consider my application when any of the above transfers become possible,

I have the honor to be,

Sir,

Your obedient servant,

Huntington Wilson.

DIPLOMATIC,
JAN 24 1902
BUREAU

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. —.

December 17, 1901.




Jan. 30, 1902

Mr. Buck

to the Secretary of State.

Subject:

Report of status of women in Japan.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. —.

December 17, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose a duplicate of a report on the status of women in this country, prepared at the request of Kate M. Gordon for the International Women's Suffrage Convention to be held in the City of Washington February next from the 12th to the 18th. I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:

Report, as above.

Enclosure with Mr Buck's dispatch of December 17, 1901.

ANSWERS TO THE QUESTIONS

OF THE

INTERNATIONAL WOMAN SUFFRAGE CONFERENCE.

-----!!!!!!!!!o!!!!!!!!!-----

1.

Q.--What are the property rights of married women in your country?

A.--In reply to this question, I quote the following provisions from the Civil Code of Japan promulgated in April of 1896:--

Art. 14: A wife must obtain her husband's permission for the performance of the following acts:--

1. The acts specified in the first clause of Art. 12 under Sub-headings 1 to 6, inclusive.

N.B.--Sub-headings 1 to 6 of Art. 12:
1. The receipt and employment of capital.
2. The contraction of debts, and the guaranteeing of debts of others.
3. The commission of acts involving the acquisition or loss of rights in regard to immoveables or valuable moveables.
4. The institution of law-suits.
5. The conclusion of contracts relating to donations, amicable arrangements, or arbitration.
6. The assent to or rejection of succession.

2. The acceptance or rejection of donations or bequests.

3. The conclusion of any contract by which she is subjected to personal restraint.

Acts contrary to the provisions of the preceding clause may be cancelled.

Art. 15: A wife who has been permitted to engage in one or more businesses possesses in regard thereto the capacity of an independent person.

Art. 16: A husband may cancel or restrict the permission he has given to his wife. But such cancellation, or

restriction, cannot be set up against a third party who has acted in good faith.

Art. 17: In the following cases a wife does not require her husband's permission:--

1. When it is not clear whether the husband is alive or dead.
2. When her husband has deserted her.
3. When her husband is interdicted from managing his property, or is treated as a person interdicted from managing his property.
4. When her husband on account of lunacy is placed under restraint in a hospital, or in his house.
5. When her husband has incurred the penalty of imprisonment for the period of one year, or longer, and is serving his term of imprisonment.
6. When the interests of the husband and wife conflict.

Art. 791: If a wife is a minor, her husband, if he has attained majority, exercises the duties of guardian.

Art. 801: A husband manages the property of his wife. If a husband is unable to manage the property of his wife, she manages it herself.

Art. 802: A husband must obtain his wife's consent for contracting debts on her behalf, for assigning her property, giving it as security, or letting it to hire for a period exceeding that named in Art. 602. But this rule does not apply to dealing with the fruits of the property for the purposes of the management.

N.B.--Art. 602 provides the periods which any contract of hiring and letting to hire, made by a person who is without legal capacity, or authority, to act, cannot exceed.

Art. 807: The property which a wife, or a niufu, acquires before marriage, or in her, or his, own name during marriage, is regarded as her, or his, special property.

Property in regard to which it is not clear whether it belongs to the husband, or wife, is presumed to be the property of the husband, or of the female head of the family.

N.B.--"NUfu" is the husband of the head of a house.

Art. 885: In cases where a child who is a minor has to manage the property of the consort the father, or mother, who exercises parental rights manages the property on behalf of the child.

Art. 886: For the performance of the following acts, on behalf of a child who is a minor by a mother who exercises parental rights, or for the giving of consent by her to the performance of such acts by the child, the consent of the family council must be obtained:--

1. The conduct of a business.
2. The borrowing of money, and suretyship.
3. The performance of an act having for its object the extinction of rights concerning immoveables, or important moveables.
4. The making of a contract for an amicable arrangement, or an arbitration, concerning immoveables, or important moveables.
5. The renunciation of succession.
6. The rejection of donations or bequests.

II.

Q.--What are the property rights of unmarried women and widows in your country?

A.--There is no special provision in this respect, except when the unmarried woman is in her minority, in which case the restriction put upon a minor shall be enforced.

Art. 4 of the Civil Code: Minors must for the perfor-

mance of legal acts obtain the consent of their legal representatives. But acts involving only the acquisition of rights or release from duties do not come under this rule.

Acts contrary to the provisions of the preceding clause may be cancelled.

Art. 5: When his legal representatives have given permission to a minor to deal with certain property for a specified purpose, the minor may deal with such property as he pleases within the limits of the purpose specified. He may also deal as he pleases with property with which his legal representatives have given him permission to deal without specifying any particular purpose.

Art. 6: A minor who has received permission to engage in one or several businesses possesses in regard thereto the same capacity as a person who has attained his majority.

When there is evidence that a minor engaging in business under the circumstances mentioned in the preceding clause is not competent to conduct it, his legal representatives may in accordance with the provisions of that book of the Code which deals with family relations either cancel the permission given or restrict it.

Art. 877: A child is subject to the parental rights of the father in the family to which he, or she, belongs. But persons who have attained majority and earn an independent living do not come under this rule.

If the father cannot be ascertained, is dead, has left the family, or is unable to exercise parental rights, the mother in the family exercises them.

Art. 884: The property of a child who is a minor is managed, and the child is represented in legal acts concerning such property by the father, or mother, who exercises parental rights. But in cases where an obligation

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Art. 884: The property of a child who is a minor is managed, and the child is represented in legal acts concerning such property by the father, or mother, who exercises parental rights. But in cases where an obligation

having for its subject an act on the part of the child will be created the latter's consent must be obtained.

Art. 885: In cases where a child who is a minor has to manage the property of the consort the father, or mother who exercises parental rights manages the property on behalf of the child.

III.

Q.-- What occupations are open to women ?

A.---Telephone-caller; geisha (low class songstress); weaver; cigarette-making; making match-boxes; hair-dressing; sundry works in sericulture; minor works in printing offices; women of farmer's family do work in the field; working, also, in many kinds of manufactories.

IV.

Q.--How do the wages of women compare with the wages of men?

A.--Comperatively lower; but of course this depends upon the amount of work she can accomplish.

V.

Q.--What professions are women permitted to enter and to practice?

A.--Physicians; nurses; midwives; journalists; school-teachers; musicians; literalists; painters.

VI.

Q.--What educational advantages are open to women?

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A.--Physicians; nurses; midwives; journalists; school-teachers; musicians; literalists; painters.

VI.

Q.--What educational advantages are open to women?

A.--None, in general.

VII.

Q.--Have you any co-educational Colleges or Universities?

A.-- None.

VIII.

Q.--Do these Universities give women degrees upon the same terms as men?

A.--No.

IX.

Q.--Are there any Universities which are closed to women?

A.--All Universities are closed to women. There is only one University for women, which is called the "Nihon Joshi Daigaku-ko" and which was established by Mr. Jinzo Naruse in April of 1901.

X.

Q.--Are punishments for public offences equal between men and women?

A.--Yes.

XI.

Q.--Do married women have the right to collect and control their wages?

A.--Yes. Arts. 14 and 15 of the Civil Code may give some light on the subject. (See Answer to No. 1.)

XII.

Q.-- Does the married woman have the right to make a will?

A.--Yes. Arts. 1061 and 1063 of the Civil Code which read as follows may give some light on the subject:--

Art. 1061--A person who has attained the full age of fifteen years may make a will.

Art. 1063-- A testator must at the time of making a will possess the requisite legal capacity.

XIII.

Q.--Does the married woman have the right to testify in court?

A.--Yes; there is no legal provision contrary to that either in the Law of Criminal Procedure or in the Law of Civil Procedure. In Art. 289 of the latter I find the following provision:--

"Any one, whoever the person may be, shall have the right to give evidence in a court of justice in relation to a civil action, unless there be some special provision of law"(to the contrary).

This is also the case in criminal actions.

XIV.

Q.--Does the married woman have equal custody over her children with her husband?

A.--In this respect there is a very clear provision in the Civil Code which reads as follows:--

Art. 877--A child is subject to the parental rights of the father in the family to which he, or she, belongs.

But persons who have attained majority and earn an independent living do not come under this rule.

If the father cannot be ascertained, is dead, has left the family, or is unable to exercise parental rights, the mother in the family exercises them.

XV.

Q.--Is there a law concerning the age of consent in your country, and if so, what is the age of consent?

A.-- The following are the provisions of law on this subject:

Art. 346 of the Criminal Code of Japan promulgated in July 1880:--Whoever is guilty of indecent conduct towards a boy or girl under twelve years of age, and whoever is guilty of such conduct attended with threats of violence towards a boy or girl over twelve years of age shall be punished with severe confinement for from one month to one year, and a fine of from 2 to 20 yen.

Art. 347:--Whoever shall be guilty of indecent conduct, attended with threats of violence, towards a boy or girl under twelve years of age shall be punished with severe confinement for from two months to two years, and a fine of from 4 to 40 yen.

Art. 349:--Any one who defiles a girl under twelve years of age shall be punished with light penal service, and whoever commits a rape on such a girl shall be punished with severe penal service.

Art. 351:--Any one who in the commission of the above-mentioned crimes, kills or injures another shall receive the severest punishment provided in the law against assault and battery. In case disability or permanent injury results from the commission of a rape the offender shall be punished with limited banishment. In case death

results he shall be punished with perpetual banishment.

XVI.

Q.-- Is there an established Church in your country, and if so, what is it and what privileges do women enjoy in it?

XVII.

Q.-- Are they permitted to hold any offices, to sing in choirs and to speak or take part in its deliberations?

A.--There is no such Church in this country.

XVIII.

Q.-- Do women attend public meetings?

A.-- Very rarely. People of this country regard it immodest.

XIX.

Q.--Do women attend public political meetings?

A.-- Never.

XX.

Q.--Are they restricted by law from attending any public meetings?

A.-- No, they are not, except from attending political meetings. "Article 8 of the Law of Police for the Preservation of Peace, promulgated on the 10th of March of 1900:--

"The persons mentioned below cannot enter or join any political society or association:--

1. ----

2. ----

3. ----

4. ----

5. Women.

6. persons in their minority.

7. ----

"Any woman and minor person cannot assemble at a public political meeting, or be its promoter."

XXI.

Q.--What social restrictions are put upon women either by law or by public opinion?

A.-- There is no social restriction by law in particular. This country is still in a transition period in respect of public opinion upon this matter. While the up-to-date opinion of a large number of progressive people is that women should enjoy the same rights and should have the same social standing as men, the old conception still largely prevails that women are mere assistants of men and that they should remain at home to manage the household affairs only. This old idea is gradually giving way, but it still very largely prevails among the people, especially among the middle class, mostly descendants of the old shizoku (knight), largely the controlling element of the nation in such matter, and among whom the Confucian ethical principle is prevalent; and also among the lower classes as well.

XXII.

Q.-- May the women of your country have free choice in selection of husband, or is he found for her by her family?

A.-- The law on this subject is found in the provisions of Art. 772 of the Civil Code which reads as follows:--

"For the marriage of a child the consent of the parents in the family must be obtained. But this rule does not apply to men and women who have attined the full ages of thirty and twenty five years respectively.

"If one of the parents cannot be ascertained, or is dead, or has left the family, or is unable to express an intention, the consent of the other parent is sufficient.

"If both of the parents cannot be ascertained, or are dead or have left the family, or are unable to express an intention, a minor must obtain the consent of his, or her, guardian, or of the family council."

XXIII.

Q.-- Is divorce permissible?

A.-- Yes.

XXIV.

Q.-- If so, upon what terms? Are terms equal for men and women?

A.--In reply to this question I quote here the following provisions of the Civil Code:--

Art. 808:--Married persons may effect a divorce by arrangement between themselves.

Art. 809:--A person under the full age of twenty five years must, in accordance with provisions of Arts. 772 and 773, obtain for his, or her, divorce by arrangement the consent of the persons who had the right of consent in respect of his, or her, marriage.

N.B.--Art. 772 is given in Answer to No. 22.
Art. 773 reads as follows:
If the step-parents, or the wife of the father, do not consent to the marriage of a child, the latter may marry with the consent of the family council.
The word "child" has here no reference to age. It means a per son whose parents are alive.--comment by Mr Gubbins, translator of the Law.

Art. 813:--A married person may bring an action for divorce in the following cases only:--

1. If the consort contracts another marriage.

2. If the wife commits adultery.

3. If the husband receives a criminal sentence for an offence against morality.

4. If the consort receives a criminal sentence such as is prescribed for offences not less than delicts for an offence connected with forgery, bribery, sexual immorality, theft, robbery, embezzlement of goods deposited, receiving stolen property, or for the offences named in Arts. 175 and 260 of the Criminal Code, or is sentenced for any other offences to major imprisonment for a term of three years or more.

N.B.--Art. 175, Criminal Code: Any one who shall break a government seal and steal or destroy the government property shall be punished with the severest punishment provided by the law against theft and destruction of property.
Art. Art. 260: Whoever shall open a gaming place for the purpose of gain and collect gamblers shall be punished with severe confinement for from three months to one year and a fine of from 10 to 100 yen.

5. If such cruel treatment, or grave insult, is received from the consort as to render living together unbearable.

6. Desertion with evil intention.

7. If cruel treatment, or gross insult, is received from a lineal ascendant of the consort.

8. If the consort treats his, or her, own lineal ascendant with cruelty, or gross insult.

9. If for a period of three years, or more, it is uncertain whether the consort is alive or dead.

10. If, in cases of muko-yoshi(an adopted person who by marriage with a daughter of the head of the adoptive family becomes the son-in-law of his adoptive parents) adoption, a dissolution of adoption takes place, or if, in cases where the adopted person has married a woman of the adoptive family, a

dissolution or an annulment, of adoption takes place.

XXV.

Q.--What suffrage privileges do women enjoy and what are the qualifications demanded?

A.--None.

XXVI.

Q.--What suffrage privileges do men enjoy and what are the qualifications demanded?

A.-- The following legal provisions may give an answer to this question:

I. Law of Election for the Members of the House of Representatives: promulgated March 1900

Art. 8:--Persons who possess the following qualifications shall have the right to vote:--

a. A Jpanese male subject, not less than full twenty five years of age.

b. One who has been domiciled in the election district for not less than one year, previous to the date of the drawing up of the electoral list, and still resides there.

c. One who for not less than one full year previous to the date of making out the electoral list, has been, and is still paying, land tax to the amount of not less than ten yen, or one who, for not less than two full years, has paid and still is paying direct national taxes other than land tax to the amount of not less than ten yen, or both land tax and other direct national taxes combined to the amount of not less than ten yen.

In the case of a person who has acquired an es-

tate by inheritance, the taxes paid on the estate by his predecessor shall be considered as taxes paid by himself.

Art. 10:--Any male subject of the Empire, who is not less than thirty full years of age shall be eligible for election.

II. Law of the Organization of City, Town and Villages, promulgated April 1888, and revised March 1900:

Art. 7:--Any independent male subject of the Empire, enjoying the public rights, who has resided in a city, and borne the chrges of the city, and has paid either a land tax within the city or 2 yen or more of the annual sum of the direct national tax, since two years or more, shall be a citizen of the city.

Art. 12:--Every citizen of a city shall have the right of election. (that is, the right to vote for chief officials and delegates of the Corporation.)

Art. 15:--Every citizen of a city who has the right of election shall have the right to be voted for.

As to the provision for a citizen of town or village it is the same as above, only if the word "city" is changed for the word "town" or "village".

III. Law of the Organization of Prefectures, promulgated March 1899:

Art. 6:--Any citizen of a city, town or village of a prefecture who has the right to vote for the member of the assembly of the city, town or village and who has been paying 3 yen or more of the annual sum of the direct national tax since one year or more in the said prefecture, shall have the right to vote for a member of the assembly of prefecture.

He who pays 10 yen or more shall have the right to be voted for as a member of the assembly of prefecture.

IV. Law of the Organization of County, promulgated March

1899:

Art. 6:--Any citizen of a town or village in a county who has been paying 3 yen or more of the annual sum of the direct national tax since one year or more in the said county shall have the right to vote for a memberof the assembly of county.

He who pays 5 yen or more shall have the right to be voted for as a member of the assembly of county.

#N.B.--"public rights" are defined in the Criminal Code as follows:

1. Special rights of a subject.
2. Right to become an officer of the Government.
3. Right to receive decorations, salary, titles of rank or honor, or gratuities.
4. Right to wear the decorations of a foreign country.
5. Right to be registered as a soldier.
6. Right to be a witness in court, except to relate matters of fact.
7. Right to be a guardian, except of his children and grandchildren with the permission of the relatives.
8. Right to be a receiver of a bankrupt, and the right to manage the property of a company.
9. Right to be the head of a school, or inspector of teachers. (Art. 31 , Criminal Code)

XXVII.

Q.--How are the laws of your country made?

A.--Either the Government, the House of Peers or the House of Representatives submits the draft of a law to the Imperial Diet. When it passes both Houses of the Diet and is sanctioned by the Emperor,it is promulgated as a law.

Constitution of Japan:

Art. 6:-- The Emperor gives sanction to laws, and orders them to be promulgated and executed.

Art. 37:-- Every law requires the consent of the Imperial Diet.

Art. 38:-- Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law.

Answered by K. Nagimura, Native Writer ofthe United states Legation, Tokyo, Japan.

DIPLOMATIC,
JAN 16 1902
BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 605. December 18, 1901.

INDEX BUREAU
REC'D.
JAN
15
1902
DEPT. OF STATE

Annex
To Communication
on Appointment of Interpreter
to Japanese Legation
Jan. 17

Mr. Buck

to the Secretary of State.

Subject:

Recommending that Interpreter be made Japanese Secretary, corresponding to Chinese Secretary at Peking.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 605. December 18, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to suggest that the designation of "Inter-"preter" of this Legation be changed to "Japanese Secretary". Such a change will give Mr. R. S. Miller, the Interpreter, more prestige here, officially and socially, which I think he deserves.

I find in the Diplomatic and Consular Appropriation Bill of April, 1900, that the designation of the Interpreter at Peking was changed to Chinese Secretary and, as I understand, for the reason above given.

In this connection it may not be improper to say that it would be gratifying to me as it would to Mr. Miller if his salary should be raised to that of the Chinese Secretary at Peking and the Interpreter of the Legation in Turkey,—from $2500. to $3000.

I have the honor to be,

Sir,

Your obedient servant,

E. E. Buck

DEPT OF STATE
JAN
18
1902
ASSISTSECRETARY

DIPLOMATIC,
JAN 17 1902
BUREAU

UNITED STATES LEGATION.
TOKIO, JAPAN.

No. 606.

December 20, 1901.

FOR RELS. 1902.

INDEX BUREAU
REC'D.
JAN
15
1902
DEPT. OF STATE

Mr. Buck

to The Secretary of State.

Subject:- Confirming Department's telegram. Taxes to be paid under protest.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 606. December 20, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to acknowledge the receipt of and to confirm the telegraphic instruction of the 18th instant, as follows:

New York, December 18, 1901.

Buck, American Minister, Tokio.

Your six hundred one received. Americans should pay taxes under protest, reserving all legal rights which can be determined afterwards.

Hay.

I have notified United States Consul General Bellows, at Yokohama, of the course to be taken by Americans of that city as directed by the instruction, and, also our Consuls at Kobe and Nagasaki, though no complaint from these cities, in respect of the "House Tax", or other taxes, has yet been received.

In relation to this subject, I enclose a copy of a communication from me to Consul General Bellows of date of October 31st last, giving my opinion upon the subject, having inadvertently omitted sending it, as an enclosure, with a previous dispatch.

While many foreigners, including Americans, in Yokohama, still refuse to pay the "House Tax", though formal demands have been made upon them, no seizure of property has yet been made, which, possibly may be somewhat due to a suggestion I made to the Minister for Foreign Affairs some weeks ago, that such course be not taken before I had received further instruction, after the

receipt

receipt at Washington and consideration by the Department of the decision of the Imperial Government upon the "House Tax" question, which decision I had forwarded. The Minister, however, gave no assurance of delay in enforcing collection of taxes by distraining property.

In an interview with the Minister for Foreign Affairs some time ago, I took the liberty to suggest arbitration of the questions at issue respecting the "House Tax"and tax on incomes derived from property held by foreigners under leases in perpetuity, on the ground that such a course would satisfactorily settle all differences. I thought that, since the United States had not joined with other Powers in protesting, the Minister's mind might be more open to a favorable consideration of such a suggestion from me, than from some others; but I found him not willing to acceed to such a proposal. He said that the representative of an-other Power had already suggested that course and he had declined to consider it, as there was nothing in the case to justify recourse to arbitration and that his colleagues in the Cabinet fully agreed with him in that view.

I have the honor to be,

Sir,

Your obedient servant,

Enclosure:- Mr. Buck to Mr. Bellows, as above.

Enclosure with Mr. Buck's No. 606 of December 20, 1901.

COPY

No. . October 31, 1901.

E. C. Bellows, Esquire,

United States Consul General,

Yokohama.

Sir:

Referring to the note of His Excellency, the Minister for Foreign Affairs, addressed to me on the 21st instant, a copy of which I forwarded to you by mail on the 24th instent, which announced the position taken by the Japanese Government respecting the tax on buildings erected upon property held under leases in perpetuity by foreigners in the former Foreign Settlement, and respecting the applicability of the Income Tax to incomes derived from such property, I think it well to say to American tax payers who regard such taxes as unjust and violative of treaty provisions that, in paying such taxes as they are now compelled to do in order to avoid distraint upon their property, it might be for their intrest to make protest and ask that their protests be acknowlwdged by the collector upon their receipts. That having been done, then, in event that the claims of certain Powers that such taxes are in violation of treaty stipulations should prevail, they would have better ground perhaps to claim that such taxes paid by them should be refunded.

I have forwarded a copy of the note referred to to Washington for consideration and instruction, should our Government have any to give me.

I am, Sir,

Your obedient servant,

SIGNED. A. R. Buck.

DIPLOMATIC,
JAN 22 1902
BUREAU.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 607. December 21, 1901.

RECTD. JAN 21 1902 DEPT. OF STATE

To Treasury
Jel. 28

Mr. Buck

to the Secretary of State.

Subject:

Merchant Marine, etc.,—forwarding copy of Naval Attaché's report.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.607. December 21, 1901.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose herewith, for the Department's information, copy of a report upon Japan's Mercantile Marine and Shipbuilding Works, as developed under the subsidy and encouragement laws.

This report, which was prepared for the Navy Department by Lieutenant Commander Marsh, Naval Attaché of this Legation, is forwarded as supplementing the information on the same subject which was sent with my No. 242, of January 24, 1899, and my No. 584 of the 20th September last.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:- Report, as above.

Enclosure with Mr Buck's No 607, December 21, 1901.

Japan's Mercantile Marine and Shipbuilding Works.

As Developed under the Subsidy and Encouragement Laws.

The Mercantile Marine and Shipbuilding of Japan are at the present time subjects of great interest. The strides that have been made are very great, and there are signs, that one, at least, of the causes that have led to that success is in danger of being withdrawn.

The immense indemnity that Japan received from China after the war, enabled the former to indulge in a career of expenditures that it is very doubtful if she will be able to sustain unaided.

Not to dwell on the expenditures for the Navy and the defenses, there is that of bounties to ships and ship construction.

The purpose of this report is to show the growth of the shipping under the laws, illustrating it by a special examination of one line, the NIPPON YUSEN KAISHA.

The Laws for bounties, as amended up to date, translated from official sources, are appended, marked "A."

The Law of the Subsidy to Navigation, and the Law of the Subsidy to Shipbuilding were promulgated in 1896.

The total number and tonnage of Japanese merchant vessels by years since 1890:-

| | STEAM SHIPS. | | SAILING VESSELS. | | TOTAL. | |
|---|---|---|---|---|---|---|
| 1890 | 334 | 141,970 | 304 | 40,267 | 638 | 182,237 |
| 1891 | 352 | 146,547 | 278 | 38,535 | 630 | 185,082 |
| 1892 | 375 | 157,147 | 239 | 34,163 | 614 | 191,310 |
| 1893 | 400 | 167,490 | 218 | 33,666 | 618 | 201,156 |
| 1894 | 461 | 263,629 | 196 | 32,103 | 656 | 295,732 |
| 1895 | 528 | 331,374 | 173 | 29,332 | 701 | 360,606 |
| 1896 | 570 | 363,323 | 165 | 27,111 | 735 | 390,334 |
| 1897 | 626 | 426,624 | 171 | 27,413 | 797 | 454,036 |
| 1898 | 674 | 464,246 | 1310 | 149,385 | 1984 | 613,631 |
| 1899 | 733 | 498,376 | 2783 | 270,162 | 3536 | 768,538 |
| 1900 | 859 | 534,239 | 3899 | 306,393 | 4168 | 840,632 |

The figures given in the preceding table relate only to the vessels to which the certificate of nationality of vessel is given.

The reason for the sudden increase of sailing vessels since 1898 is that from that year the vessels of Japanese style that formerly had not had to have any certificate of nationality have had to obtain it according to the revision of law.

These figures likewise have no reference to that extensive fleet of small craft commonly known as "junks."

The amount of Subsidies under the laws for Encouragement to Navigation, and Encouragement to Shipbuilding (which are appended marked "A") is as follows :-

| Date. | Navigation. | Shipbuilding. |
|---|---|---|
| 1897 | 708,384 yen | 13,109 yen. |
| 1898 | 2,580,875 yen | 213,875 yen. |
| 1899 | 3,957,315 yen | 187,780 yen. |
| 1900 | 1,188,761 yen ## | 152,930 yen ## |

## The reason for the decrease in 1900 is that from that year the European and American lines have become Subsidized Routes under a different law, and no longer received anything from the fund for Encouragement for Navigation above mentioned. The ships running under this new law will be discussed later.

The total mileage for subsidized vessels is as follows :-

| Date. | Miles. |
|---|---|
| 1897 | 254,030. |
| 1898 | 778,182. |
| 1899 | 1,176,779. |
| 1900 | 507,549.### |

### The same remark as above applies in the case of reduced mileage, i.e., certain lines in this year became foreign subsidized lines.

The number and tonnage of the vessels that engage in Navigation with the Certificate for the Encouragement of Navigation ac-

cording to the Law of Navigation Encouragement is :-

| Date. | Number. | Tonnage. |
|---|---|---|
| 1896 | 1 | 3,967. |
| 1897 | 15 | 68,683. |
| 1898 | 27 | 126,195. |
| 1899 | 29 | 133,733. |
| 1900 | 12 | 40,919.#### |

#### Foreign subsidized lines under a different law.

The number and tonnage of vessels that have been constructed with the Certificate for the Encouragement for Shipbuilding according to the Law of the Encouragement of Shipbuilding :-

| Date. | Number. | Tonnage. |
|---|---|---|
| 1897 | 1 | 726. |
| 1898 | 3 | 9,386. |
| 1899 | 2 | 6,027. |
| 1900 | 3 | 6,067. |

---

## SUBSIDIES FOR THE EUROPEAN, SEATTLE, AND SAN FRANCISCO LINES.

---

To encourage the periodical navigation in the European, Seattle, and San Francisco lines, the Government is authorised to make contracts, under the following conditions :-

To give annually, for ten years, from January 1899 to December 1909, a sum of not more than

2,673,894.184 yen for the European line;
654,030.000 yen for the Seattle line;
1,013,880.000 yen for the San Francisco line.

4,341,804.184 yen Total for the three lines.

The contractor must employ in the European line 12 ships of 6,000 tons displacement, or upwards each, with a maximum speed of fourteen (14) knots or upwards.

In the Hong Kong — Seattle line, three (3) ships of 6,000 tons displacement each, and with a maximum speed of fifteen (15) knots or upwards.

In the Hong Kong— SanFrancisco line, three (3) ships of 6,000 tons displacement or upwards each, and with a maximum speed of seventeen (17) knots orupwards.

The contractormust make in the European line, fortnightly voyages, or 26 in the year; in the Hong Kong— San Francisco line, more than once in every four weeks, or 14 voyages in the year; and in the Hong Kong Seattle line, voyages every four weeks, or 13 in the year.

Ships to be employed in these lines must be, at the time the contracts take effect, less than four years of age, dating from their construction, must have the qualifications as stated in the Shipbuilding Regulations, and must have received the sanction of the Minister of Communications.

Mail matter must be carried free.

Ships employed in these lines can, upon payment of a suitable sum, be requisitioned for public purposes, and they must carry in them, at the contractor's expense, not more than five (5) navigating cadets, giving them allowances as ordered by the Minister of Communications.

The sum a ship employed in these lines shall receive, shall be the sum such a ship is entitled to according the Navigation Act; and the rate of compensation for a ship not five years old, shall be paid through the ten years.

(There are some further details which I have not yet translated, but which can be supplied if desired).

BOUNTIES TO VARIOUS LINES.

(Estimates passed by the Diet.)

| Line. | 1900. | 1901. |
|---|---|---|
| European Line | 2,262,525.848 | 2,673,894.184 |
| San Francisco Line | 1,013,880.000 | 1,013,880.00 |

| Line. | 1900. | 1901. |
|---|---|---|
| Seattle Line | 0 | 150,930.000 |
| Australia Line | 525,657.600 | 525,657.600 |
| Bombay Line | 192,108.000 | 182,115.850 |
| Yangtse River Line | 189.150.380 | 291,848.062 |
| Vladivostock Line | 27,717.000) | |
| Korsakoff Line | 23,490.640) | 61,200.390 |
| Shanghai-Suchow-Hanchow Line | 30,179.000 | 57,873.000 |
| Adjacent Ports of the East Line | 0 | 580,000.000 |
| Total | 4,264,708.468 | 5,537,399.086 |

Taking then these figures, all of which are from official sources, and dealing only with those relating to the last two years, we have the following as being the amounts that the Japanese Government has spent to develop its merchant marine, and provide itself with a set of vessels available as transports, invaluable in an emergency.

| | 1900. |
|---|---|
| Navigation Encouragement Law | 1,188,761 yen. |
| Shipbuilding " " | 187,780 yen. |
| Navigation Subsidy | 4,264,708 yen. |
| Total | 5,641,249 yen. |

The greater part of this money has gone to the NIPPON YUSEN KAISHA, or Japanese Mail Line. The history and development of this company is as follows.

The N.Y.K. was organized in 1885, by amalgamating two smaller and already subsidized lines. During the subsequent nine years, or up to the China-Japan war, the company practically controlled the coasting trade, and began reaching out for foreign trade. It received a yearly subsidy from the Government on the conditions of maintaining certain special mail routes; of placing its vessels at the disposition of the Government as transports; and of carrying the mail to all ports to which its vessels ran.

At the outbreak of the China war, necessitating the immediate

transportation of 120,000 troops and 100,000 coolies, the N.Y.K. steamers were not only requisitioned, but it became necessary to purchase many others most of which remained in the hands of the N.Y.K. The excellent way in which this company came to the rescue of the Government in its emergency is shown by the following extract from a report of the company. "Throughout a space of nine months during the war, the company had no less than fifty (50) steamers engaged in transport service, requiring the constant navigation of dangerous and unfamiliar seas in the depth of winter. Most of the ships were officered and manned by Japanese, only a few foreigners who volunteered for the expedition being employed. Yet, from the first to the last, only one serious accident connected with navigation happened to any of the ships."

The war gave a great impetus to maritime affairs; this company increased its capital, and began to capture the foreign trade. The Laws for the "Encouragement to Navigation", and "Encouragement to Shipbuilding" were put into effect in 1896, and the European and American lines under special subsidy in 1899.

Thus after a nominal existence of 15 years, datingfrom the organization of the company in 1885, or a more real existence of 5 years, dating from the China war, this company had assumed the enormous proportions shown by the following figures :-

Number of steamers 74.

Total tonnage

Of more importance,however, is the ambition of the company as shown by its constantly establishing new, and increasing the power of its old lines. The following are its foreign lines:-

<u>To London and Antwerp (fortnightly service)</u>

| | | | |
|---|---|---|---|
| Bingo Maru | 6241 tons. | Hakata Maru | 6151 tons. |
| Hitachi Maru | 6172 tons | Inaba Maru | 6192 tons. |
| Kamakura Maru | 6123 tons | Kanagawa Maru | 6151 tons. |
| Kawachi Maru | 6099 tons | Sado Maru | 6219 tons. |
| Sanuki Maru | 6117 tons | Shinano Maru | 6788 tons. |

(To London and Anwerp, continued)

| | | | |
|---|---|---|---|
| Tamba Maru | 6102 tons | Wakasa Maru | 6266 tons. |

Total 74,621 tons.

To Seattle (fortnightly service)

| | | | |
|---|---|---|---|
| Iyo Maru | 6320 tons. | Kaga Maru | 6300 tons. |
| Riojun Maru | 4794 tons. | Kiushiu Maru | 3867 tons. |

Total 21,381 tons.

Australia Line (monthly service)

| | | | |
|---|---|---|---|
| Kumano Maru | 4700 tons. | Yawata Maru | 3813 tons. |
| Kasuga Maru | 3797 tons. | | |

Total 12,310 tons.

Bombay Line (4-weekly service)

| | | | |
|---|---|---|---|
| Awa Maru | 6309 tons. | Kagoshima Maru | 4370 tons. |

Total 10,679 tons.

Shanghai Line (weekly service)

| | | | |
|---|---|---|---|
| Hakuai Maru | 2629 tons. | Kobe Maru | 2901 tons. |
| Saikio Maru | 2913 tons. | | |

Total 8443 tons.

Kobe-Korea-North China Line (4-weekly service)

| | | | |
|---|---|---|---|
| Genkai Maru | 1409 tons. | Sendai Maru | 1717 tons. |

Total 3,126 tons.

Keelung (Formosa) Line (Semi-monthly service)

| | | | |
|---|---|---|---|
| Kosai Maru | 2629 tons. | Yokohama Maru | 2305 tons. |

Total 4,934 tons.

Kobe-Vladivostock Line.

Yamashiro Maru 2628 tons.

Kobe-Newchwang Line (4-weekly service)

Higo Maru 1406 tons.

Yokohama-Bonnin Islands Line (monthly service)

Steamers selected according to the trade.

Aomori-Mororan Line.

Daily steamers connect the mainland of Japan with the Hokkaido.

Kobe-Otaru Line.

The mainland of Japan is completely encircled by these lines. They start from Kobe, and run, both by the east and west coast, three times a week to the Hokkaido. About 12 steamers are devoted to this duty.

The great proportions of this Company have been attained by the liberal bounties of the Government, aided bby the natural aptitude of the people for the sea.

The following is the report of the Company for the half year April 1st to October 1st, 1901.

EXPENDITURES.

| | |
|---|---|
| Office expenses | 732.179.208 |
| Freight and passenger expenses, | |
| For freight | 1,304,438.338 |
| Damages paid | 54,845.648 |
| For passengers | 65,429.330 |
| Expenses on board, | |
| Salaries | 855,235.800 |
| Board for passengers and crew | 617,345.760 |
| Coal | 1,664,847.550 |
| Necessaries | 295,848.030 |
| Fittings | 137,695.460 |
| Repair expenses | 617,868.840 |
| Port and Lighthouse dues Pilotage | 433,468.914 |
| Suez Canal Tariff | 397,405.220 |
| Rent of vessels | 338,977.040 |

| | |
|---|---|
| Insurance | 239,596.820 |
| State and local taxes | 124,628.161 |
| Repair expenses of buildings | 7,951.460 |
| Land and house rent | 31,952.244 |
| Loss on students | 684.383 |
| Decrease in price of negotiable notes on hand | 48,164.600 |
| Interest of the Company's loan | 42,000.000 |
| Total | 8,030,784.728 |
| To Decrease of Value of vessels | 602,845.912 |
| To Reserve Fund for Insurance of Vessels | 139,769.150 |
| To Reserve Fund for Great Repairs of Vessels | 363,942.790 |
| To Decrease of Value of Buildings | 14,318.870 |
| NET EARNINGS | 2,639,628.204 |
| Grand Total | 11,791,289.654 |

RECEIPTS.

| | |
|---|---|
| Freightage | 6,927,288.823 |
| Passengers' Fares | 1,383,190.380 |
| Rent of vessels | 523,304.039 |
| Interests | 289,828.728 |
| Profits from Yokohama warehouses, printing office, lighters,&c. | 14,754.527 |
| Land and house rent, storage | 37,088.388 |
| Exchange profits | 1,758.455 |
| Fee for changing names of shareholders, sale of useless articles, and other sundry incomes | 187,876.314 |
| SUBSIDIES | 2,089,438.482 |
| ENCOURAGEMENT MONEY | 346,963.520 |
| Total | 11,791,289.654 |

SUMMARY.

From the above figures we see that.—

| | |
|---|---|
| The NET EARNINGS of the Company for the half year are | 2,639,628 |
| The TOTAL BOUNTIES for the same period | 2,436,402 |

It would seem difficult for a company not receiving a Government subsidy to compete with a company so subsidized.

THE TOYO KISEN KAISHA and the PACIFIC MAIL S.S.CO.

These two lines, the one Japanese the other American, together with the Occidental and Oriental, carry the trade between Hong Kong, Japan, and San Francisco.

The Japanese bounty to the three steamers of the Toyo Kisen Kaisha is 1,080,000 yen or about $540,000 gold per year. As the steamers of this company make 15 trips per year, each vessel receives per trip $36,000.

Now the ships of this line, being of about 6,000 tons, can be compared very closely with the "China" of the Pacific Mail Line. Each ship cost in the neighborhood of $700,000; the crews of the two lines are orientals, being Japanese on the T.Y.K. and Chinese on the P.M.S.S.Co. The cost of maintainance is, therefore, about the same for the two lines, being in the neighborhood of $60,000 per round trip from Hong Kong to San Francisco and return.

The Pacific Mail receives a mere nominal sum for carrying the mails, whilst the Toyo Kisen Kaisha receives $36,000. It would seem, therefor, that the latter had an advantage of some $36,000 over its rival.

Whilst this report is being written, the estimates for the coming year in the Japanese Diet are published, and the following, pertaining to the sea are given.

BOUNTIES.

| | |
|---|---|
| Australian Service | 625,657 yen |
| Bombay Service | 178,786 |
| Yangtsekiang Service | 334,942 |
| European Service | 2,673,694 |
| Seattle Service | 654,030 |
| San Francisco Service | 1,013,660 |

| | |
|---|---|
| Continental (Asiatic) Service | 580,000 yen. |
| Coasting Service | 140,000 |
| Navigation Encouragement | 703,204 |
| Shipbuilding Encouragement | 277,250 |

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There is no doubt but that the most interesting feature of Japan's development is her Mercantile Marine, nor that this is due to the liberal assistance given by the Government.

Japan has, in fact, profitted by her experience of need in her two campaigns, the one to Formosa, and the other against China, and has provided herself with an efficient transport service.

"A"

The General Features of the Law
relating to the
ENCOURAGEMENT to NAVIGATION.

A steel or iron ship of 1000 tons displacement or upwards, with a maximum speed of 10 knots or more, flying the Japanese flag, owned by a Japanese subject, or by a company of which the partners or shareholders are exclusively Japanese, and plying between Japan and foreign countries or between different foreign ports, is to be entitled to "encouragement money" according to a scale provided in this law. The scale is as follows:- 25 sen per 1000 nautical miles perton for a ship of 1000 tons displacement with a maximum speed of 10 knots; 10 per cent. increase for every additional 500 tons in displacement; 20 per cent. increase for every additional 1 knot in maximum speed; and in the case of ships above 6500 tons displacement with a maximum speed of 18 knots, the encouragement money is to be given at the uniform rate applicable to a ship of 6000 tons displacement with a maximum speed of 17 knots. The encouragement money is to be given in full amount to ships during five years after the date of their construction and after five years 5 percent. is to be reduced every year, the rate to be allowed to ships built abroad and registered as Japanese merchant vessels on or after Nov. 1st, 1899, being half the above. The obligations laid on the owner or owners of a ship benefitting under this enactment are; (1) that the ship can, upon payment of a suitable sum of money, be requisitioned for public purposes, by order of the Minister of Communications; (2) that the ship shall carry at the owner's expense a number of navigating cadets, the number being not more than 2 when the tonnage is between 1000 and 2500 tons, not more than 3 when between 2500 and 4000 tons, and not more than 4 when over 4000 tons; (3) that the owner or owners may not employ a foreigner either in office or on board ship unless by the permission of the Minister of Communications; (4) that the ship must carry free of charge not only the Imperial mail but

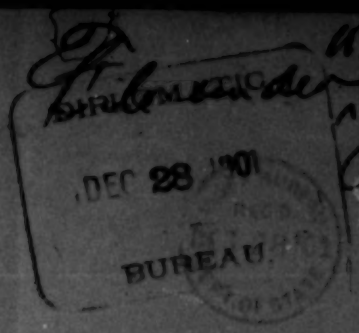
Post Office officials; (5) and that the ship, not only during the period of receiving encouragement money, but also during three years afterwards, may not be sold, chartered, exchanged, given as a present, or mortgaged to a foreigner, except with the special permission of the Minister of the Communications, or when disabled from natural or other unavoidable causes, or on paying back to the Government the aid received. The following ships are exempted from the benefit of this enactment:- (1) ships registered as Japanese after the coming into operation of this law and being five years old, dating from construction; (2) ships of an age of fifteen years or upwards, dating from their construction; and (3) ships used on a route under the special orders of the Government.

## The General Features of the Law relating to the ENCOURAGEMENT of SHIPBUILDING.

This law applies to iron or steel ships of 700 tons displacement and upwards, constructed under the supervision of the Ministry of Communications by a Japanese subject, or by a company of which the partners or shareholders are exclusively Japanese. The rate of encouragement money is 12 yen per ton for the hull of the ship from 700 to 1000 tons displacement, and 20 yen per ton for the hull of the ship over 1000 tons displacement, with an additional 5 yen for each unit of horse power, in case the engines are also thus constructed. In the construction of a ship built under the provisions of this law no foreign material except that specified by the Minister of Communications is to be used.

Diplomatic Bureau

U.S. Legation of Japan.







DIPLOMATIC BUREAU.
Grant, if no objection appear.
ASC

No. x

Ithaca, N. Y. December 26, 1901

Ans
Dec. 30

Mr. Miller

to the Secretary of State

Subject:

Reporting arrival in the United States on leave of absence.

No. 2

Ithaca, N.Y., December 26, 1901.

To the Honorable John Hay,
Secretary of State,
Washington, D.C.-

Sir:

I have the honor to report that, availing myself of leave of absence with permission to visit the United States, granted in September last, I sailed from Nagasaki, Japan, on the 20th ultimo by the U.S.T. "Sheridan", and arrived at my home in Ithaca, N.Y. on the 24th instant.

As I understand that my leave of absence already granted expires by statute on the 31st instant, I would respectfully request that I may be

granted

granted leave of absence for sixty days,
beginning January 1, 1902.

I have the honor to be,

Sir,

Your obedient servant,

R. S. Miller

Interpreter to the U. S. Legation,
Tokio, Japan.

DIPLOMATIC,

UNITED STATES LEGATION,
TOKIO, JAPAN.
BUREAU

No. ~.

December 27, 1901.

DIPLOMATIC BUREAU
DEPT OF STATE
JAN
22
1902
2ND ASST SECRETARY

REC'D.
JAN
21
1902
DEPT. OF STATE

DIPLOMATIC BUREAU
Japan Military Surgeons.
Ask visit gratification.
D.D. 80. asd
Feb. 1, 1902 C.

To the Honorable John Hay,

Secretary of State,

Washington.

Sir:

I have the honor to enclose a copy of a note from the Minister for Foreign Affairs of yesterday's date, informing me that the Departments of War and the Navy have decided to send representatives to the comming meeting, in June next, of the Association of Military Surgeons of the United States.

I have the honor to be,

Sir,

Your obedient servant,

A. E. Buck

Enclosure:- Mr. Komura to Mr. Buck, December 26,- copy.

Copy.

Translation, No.52.

Department of Foreign Affairs,
Tokio, December 26, 1901.

His Excellency,

A. E. Buck,

Etc., etc., etc.

Monsieur le Minister,

I have the honor to inform Your Excellency that, in regard to the invitation from the Association of the Military Surgeons of the United States to the Medical Officers of Japan, to be present in person or by literary contribution at the next meeting of the Association to be held in the City of Washington, in 1902, communicated to me by your note dated the 12th ultimo, the Department of War and Navy have each decided to dispatch a surgeon to the meeting.

I avail etc.

Signed. Komura Jutaro,

Minister for Foreign Affairs.

DIPLOMATIC,

UNITED STATES LEGATION,
TOKIO, JAPAN.

No. 608. December 28, 1901.

BUREAU







DIPLOMATIC BUREAU.
Copy to Treasury to complete its file of Treasury correspondence to date.
Ack + file.

Ackd and file'd Jan. 27 '02.

Mr. Buck

to The Secretary of State.

Subject:-Japanese Government urged to restrain American Citizens from sealing under protection of Japanese flag.

UNITED STATES LEGATION,
TOKIO, JAPAN.

No.608. December 28, 1901.

To the Honorable John Hay,
Secretary of State,
Washington.

Sir:

I have the honor to acknowledge the receipt of instruction No.374, of the 21st ultimo, with enclosures, in respect of American Citizens taking seals in Bering Sea under cover of the Japanese flag,-directing that I strongly urge upon the Japanese Government its friendly action in requiring Japanese Subjects to observe the same regulations, as inposed by the Paris Award, which operates to restrain American Citizens and the Subjects of Great Britain, and to end, if possible, the practice of American Citizens sealing under cover of the Japanese flag. In compliance with instruction, on the 26th instant I addressed a note to His Excellency the Minister for Foreign Affairs upon this subject and, as directed, strongly urged that the Imperial Government take action in the matter to accomplish the desired end,-copy of note enclosed.

I have the honor to be,
Sir,
Your obedient servant,

J. E. Buck

Enclosure:- Mr.Buck to Mr.Komura, December 26th, Copy.

Enclosure with Mr. Buck's No.[illegible], of December 28, 1901.

Copy.

No.326. December 26, 1901.

To His Excellency,

Mr. Komura Jutaro,

Etc., etc., etc.

Monsieur le Ministre,

In compliance with instruction from my Government, I have the honor to invite Your Excellency's attention to representations made by the Honorable the Secretary of the Treasury of the United States and by Mr.W.I.Lembky, Agent in Charge of the Seal Islands,-copies enclosed,-that vessels formerly belonging to the American pelagic sealing fleet, now registered under the Japanese flag and commanded by United States Citizens are engaged in taking seals in Bering Sea. From these representations it appears that seal poachers from the United States, under cover and protection that the Japanese flag gives them, are committing depredations upon the seal herds of Bering Sea, for which, if under the United States flag, they would incur severe penalties, as provided in Act of Congress of December 29, 1897-copy enclosed.

In submitting to Your Excellency these representations, I have the honor to express the most earnest desire of the Government of the United States for the friendly action of the Imperial Government, requiring Japanese Subjects, in taking seals, to observe the same regulations imposed by the Paris Award of 1893, as operate to restrain the Citizens of the United States and the subjects of Great Britain and thereby, if possible, to end the practice of United States Citizens sealing under cover of the Japanese flag.

Confident that, in this matter, the Imperial Government will find the facts to be as represented and will kindly take such action, as will accomplish the end desired by the United States, as above indicated, I avail etc.,

Signed. A.E.Buck.

DIPLOMATIC,

JAN 2 1902

BUREAU.

TELEGRAM RECEIVED IN CIPHER.

DEPARTMENT OF STATE

DEC 31 1 45 PM 1901

CHIEF CLERK'S OFFICE
RECEIVED

From Tokio,

December 31, 1901.

Received 1.01 P. M.

1 Contra Jan 3.

Secretary of State,

Washington.

Whiskey case answer not yet received. Hope to obtain a reply before long.

BUCK

MG

Ciphered by JRB, Chief Clerk's Office

December 31, 1.32 PM, 189, M.

DIPLOMATIC BUREAU
DEC 23 '01

Legation of Japan

DEPT OF STATE
DEC
28
1901
SECRETARY

No. x

Ithaca, N.Y.

Mr. Miller

Secretary of State

Subject:

Reporting arrival in the United States on leave of absence.